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TITLE 3—THE PRESIDENT PROCLAMATION 2722

COPYRIGHT EXTENSION: FRANCE

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS by the act of Congress approved September 25, 1941 (55 Stat. 732) the President is authorized, on the conditions prescribed in that act, to grant an extension of time for the fulfilment of the conditions and formalities prescribed by the copyright laws of the United States of America with respect to works first produced or published outside the United States of America and subject to copyright or to renewal of copyright under the laws of the United States of America, including works subject to *ad interim* copyright, by nationals of countries which accord substantially equal treatment to citizens of the United States of America; and

WHEREAS satisfactory official assurances have been received that under the law of France treatment substantially equal to that authorized by the aforesaid act of September 25, 1941 is accorded in France to citizens of the United States of America; and

WHEREAS the aforesaid official assurances are embodied in a note dated this day from the Ambassador of France at Washington to the Secretary of State of the United States of America; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated April 9, 1910 (36 Stat. 2685) citizens of France are, and since July 1, 1909 have been, entitled to the benefits of the act of Congress approved March 4, 1909 (35 Stat. 1075) relating to copyright, other than the benefits of section 1 (e) of that act; and

WHEREAS by virtue of a proclamation by the President of the United States of America dated May 24, 1918 (40 Stat. 1784) the citizens of France are, and since May 24, 1918 have been, entitled to the benefits of section 1 (e) of the aforesaid act of March 4, 1909;

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States

of America, under and by virtue of authority vested in me by the aforesaid act of September 25, 1941, do declare and proclaim:

That with respect to (1) works of citizens of France which were first produced or published outside the United States of America on or after September 3, 1939 and subject to copyright under the laws of the United States of America, and (2) works of citizens of France subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed for several years of the time since September 3, 1939 such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid act of September 25, 1941; and that accordingly the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works until the day on which the President of the United States of America shall, in accordance with that act, terminate or suspend the present declaration and proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid act of September 25, 1941, no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

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DONE at the City of Washington this twenty-seventh day of March, in the year of our Lord nineteen hundred and forty-seven and of the Independence of the United States of America the one hundred seventy-first.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Acting Secretary of State.

[F. R. Doc. 47-3021; Filed, Mar. 27, 1947;
11:22 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i) (ii) and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)," and the figure or price "4.77," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating

the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Greater Boston, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i) (ii) and (iii) of § 904.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I price (dollars per cwt.)," and the figure or price "4.77," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2911; Filed, Mar. 27, 1947;
8:52 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subdivisions (i) (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table contained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)," and the figure or price "5.21," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947, and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Lowell-Lawrence, Massachusetts, milk marketing area.

It is therefore ordered, That subdivisions (i), (ii), and (iii) of § 934.6 (a) (1) of the order and the entire table con-

tained in subdivision (iv) of said section, with the exception of the words "Class I Price (dollars per cwt.)," and the figure or price "5.21," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2903; Filed, Mar. 27, 1947;
8:51 a. m.]

PART 947—MILK IN THE FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. Subparagraphs (1), (2) and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said section, with the exception of the words "Class I price (dollars per cwt.)," and the figure or price "5.52," do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947; and

2. It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this section beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the Fall River, Massachusetts, milk marketing area.

It is therefore ordered, That subparagraphs (1), (2), and (3) of § 947.4 (a) of the order and the entire table contained in subparagraph (4) of said section with the exception of the words "Class I price (dollars per cwt.)," and the figure or price "5.52," be and they hereby are suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2363; Filed, Mar. 27, 1947;
8:51 a. m.]

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

1. The entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of April 1947 and

(2) It is impracticable and contrary to the public interest to comply with the specific notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and April 1, 1947 is insufficient to permit compliance with such specific notice, public rule making procedure, and effective date requirements, and in that any delay in the effective date of this action beyond April 1, 1947, will seriously jeopardize the orderly marketing of milk produced for the New York metropolitan milk marketing area.

It is therefore ordered, That the entire table contained in § 927.5 (a) (1) of the order, with the exception of the words "Dollars per cwt." and the figure or price "4.58," be and it hereby is suspended with respect to all milk subject to the provisions of the order during the month of April 1947.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2910; Filed, Mar. 27, 1947; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 501—DELEGATIONS OF AUTHORITY

CONSTRUCTION CONTRACTS

Part 501 and § 501.10 are added to Chapter IV to read as follows:

§ 501.10 *Construction contracts.* Pursuant to 43 CFR 4.860, (a) (12 F. R. 2036) Floyd E. Conway, Chief, Engineering Section, and Philroy C. Gale, Chief, Operations Section, are each hereby authorized to separately enter into construction contracts in conformity with applicable regulations and statutory re-

quirements and subject to the availability of appropriations. The authority granted by this section includes the authority to issue change orders and extra work orders pursuant to a contract, and to enter into modifications of a contract which are legally permissible, but does not include the authority to terminate a contract. (Sec. 3, 12, 60 Stat. 237, 244)

DOUGLAS G. WRIGHT,
Administrator

Southwestern Power Administration.

MARCH 24, 1947.

[F. R. Doc. 47-2888; Filed, Mar. 27, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS TO GENERAL FIELD OFFICE OFFICIALS

Section 603.3 is amended, effective upon publication in the FEDERAL REGISTER, in the following particulars:

1. The title of the section is amended, and an explanatory statement is added thereto, to read as follows:

§ 603.3 *Delegations to General Field Office officials.* All powers, duties and functions delegated to regional office officials in § 603.2, unless specifically excepted, shall apply to the officials of the General Field Office. Accordingly, regional director shall also mean Director of the General Field Office; regional comptroller shall also mean the Assistant Director for Administration of the General Field Office; assistant regional director for real estate and disposition shall also mean the Assistant Director for real estate and disposition in the General Field Office; deputy regional directors and assistant regional directors for project management, or development and reutilization, shall also mean the Deputy Director for Operations of the General Field Office; and all other regional officials shall also mean the comparable officials of the General Field Office. * * *

2. Paragraph (d) is amended by substituting a new subparagraph (2) and by adding a new subparagraph (10) as follows:

(2) To execute, within budgetary limitations, contracts for necessary services, supplies, equipment and office space for the San Juan office.

(10) To authorize local housing authorities to advertise for bids after reviewing the bidding documents.

(50 Stat. 888, 54 Stat. 1125; 42 U. S. C. 1401, 1521)

Approved: March 21, 1947.

[SEAL] D. S. MYER,
Commissioner.

[F. R. Doc. 47-2878; Filed, Mar. 27, 1947; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profit Taxes

[T. D. 5555]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 111 (26 CFR Part 29) to the Foreign Service Act of 1946, approved August 13, 1946, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.116-1 of Regulations 111 the following:

PART F—EXEMPTION FROM TAXATION (Title XI, Foreign Service Act of 1946)

SEC. 1051. Section 116 of the Internal Revenue Code, as amended (53 Stat. 48; 53 Stat. 575; 56 Stat. 842; 58 Stat. 46; 26 U. S. C. 116), relative to exclusions from gross income, is further amended by adding at the end thereof a new subsection to read as follows:

(k) In the case of an officer or employee of the Foreign Service of the United States, amounts received by such officer or employee as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1940,

PART E—EFFECTIVE DATE OF ACT (Title XI, Foreign Service Act of 1946, approved August 13, 1946)

SEC. 1141. The effective date of this act shall be three months following the date of its enactment.

PAR. 2. There is inserted immediately after § 29.116-4 of Regulations 111 the following new section.

§ 29.116-5 *Exclusion of certain allowances of Foreign Service personnel.* Amounts received on or after November 13, 1946, by personnel of the Foreign Service of the United States as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946 (60 Stat. 999) are, by the provisions of section 116 (k) excluded from gross income.

PAR. 3. This Treasury decision is published without prior general notice of its proposed issuance for the reason that notice and public rule-making procedure in connection therewith are hereby found to be unnecessary. See section 4 (a) of the Administrative Procedure Act, approved June 11, 1946. Only minor technical amendments are made to the regulations.

PAR. 4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER. (Sec. 62, 53 Stat. 32, 26 U. S. C. 62)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 24, 1947.

JOSEPH D. NUNAN, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-2925; Filed, Mar. 27, 1947; 8:47 a. m.]

Subchapter C—Miscellaneous Excise Taxes
[T. D. 5554]

PART 182—INDUSTRIAL ALCOHOL

EMERGENCY PRODUCTION OF SUGARS AND
SIRUPS IN INDUSTRIAL ALCOHOL PLANTS

1. The act of February 1, 1947 (Public Law 2, 80th Congress) amends section 3126 (a) of the Internal Revenue Code (relating to emergency production of sugars and sirups in industrial alcohol plants) by striking out "February 1, 1947," and inserting in lieu thereof "April 30, 1948."

2. Pursuant to the foregoing provision of law and sections 3105, 3124 (a) and 3176, Internal Revenue Code, Article V of Regulations 3 (26 CFR, Part 182) is hereby amended by adding after § 182.7b a new § 182.7c.

3. Notice and public procedure under section 4, Administrative Procedure Act, are found to be impracticable and unnecessary in connection with the issuance of these regulations for the reasons that (1) the statute which the regulations are designed to implement merely extended the expiration date of prior temporary emergency legislation; (2) the statute was approved on the day following the expiration date of such prior legislation; and (3) the regulations are in substance and effect the same as the regulations which implemented the prior legislation. It is also found necessary to make these regulations immediately effective to permit the beneficiaries of the legislation to qualify thereunder and avoid confusion in conducting operations and keeping records.

§ 182.7c *Emergency production of sugars and sirups in industrial alcohol plants.* Notwithstanding the provisions of § 182.7, or other provisions of the regulations in this part, until April 30, 1948, sugars and sirups from potatoes and from high moisture or damaged grain may be produced in industrial alcohol plants simultaneously with, or alternately with, the production of alcohol. Any proprietor of an industrial alcohol plant intending to produce such sugars and sirups shall submit in accordance with these regulations a supplemental application, Form 1431, to cover the use of the premises for that purpose until December 31, 1947, and shall likewise submit a supplemental application to cover the use of the premises for that purpose from January 1, 1948, to April 29, 1948, inclusive. The application shall include a statement of the equipment and the process to be used in producing such sugars and sirups and shall be accompanied by an appropriate consent of surety, Form 1533, executed in accordance with these regulations. Upon approval of such application, the district supervisor shall issue an amended permit, Form 1433, to allow use of the premises in accordance with the supplemental application. The proprietor shall prepare each month and attach to his monthly report on Form 1442 a separate report showing all potatoes and high moisture or damaged grain used daily in the production of sugars and sirups by pounds and the quantity in pounds of sugars and sirups produced and removed

each day from the premises. This report shall be deemed a part of Form 1442. All such materials received on the premises shall be reported in the regular material summaries of Forms 1442 and 1452-B and upon their use under this section, shall be reported at a special line in the summaries as transferred for use in the production of sugars and sirups. All containers of sugars and sirups removed from the premises must be labeled to show the nature of the contents and the name and address of the manufacturer. The operations authorized herein shall be conducted in a manner consistent with the provisions of these regulations. This section shall cease to be in force and effect after April 29, 1948. (Secs. 3105, 3124 (a), 3126, 3176, I. R. C.)

JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: March 24, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.
[F. R. Doc. 47-2887; Filed, Mar. 27, 1947;
8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CERTAIN COUNTRIES GENERALLY LICENSED MARCH 28, 1947.

Amendment to General License No. 94 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.94 (General License No. 94) is hereby amended to read as follows:

§ 131.94 *General License No. 94; certain countries generally licensed—(a) Blocked countries generally licensed subject to certain conditions.* A general license is hereby granted licensing all blocked countries and nationals thereof (excepting the following countries and nationals thereof. Portugal, Spain, and Tangier) to be regarded as if such countries were not foreign countries designated in the order, *Provided, That*

(1) Any property in which on the effective date hereof any of the following had an interest; (i) any blocked country (including countries licensed hereby) or person therein; or (ii) any other partnership, association, corporation, or other organization, which was a national of a blocked country (including countries licensed hereby) by reason of the interest of any such country or person therein; or

(2) Any income from such property accruing on or after the effective date hereof shall continue to be regarded as property in which a blocked country or

national thereof has an interest and no payment, transfer, or withdrawal or other dealing with respect to such property shall be affected under, or be deemed to be authorized by, this paragraph.

(b) *Transactions under other licenses authorized without regard to certain restrictions.* With respect to property subject to the proviso of paragraph (a) of this section any transaction not involving any excepted country or national thereof which is authorized under any license (other than §§ 131.1, 131.1a, 131.4, 131.27 and 131.30a (General Licenses Nos. 1, 1A, 4, 27 and 30A) or any other license to the extent that it merely authorizes transfers between blocked accounts of the same person or changes in the form of property held in a blocked account) may be effected without regard to any terms of such license relating to the method of effecting such transaction.

(c) *Certain other transactions authorized.* This license also authorizes any transaction which could be effected under § 131.53 (General License No. 53) if the countries licensed hereby were members of the generally licensed trade area, *Provided, That* this paragraph shall not be deemed to authorize any payment, transfer, or withdrawal, or other dealing with respect to any property which is subject to the proviso of paragraph (a) of this section.

(d) *General Ruling No. 17¹ not waived with regard to certain countries.* This license shall not be deemed to waive the requirements of General Ruling No. 17 with respect to blocked property held in any account maintained in the name of any bank or other financial institution located in Switzerland, Liechtenstein, or Sweden unless such property has been certified under paragraph (1) of § 131.95 (General License No. 95).

(e) *Applicability of license to nationals of countries licensed hereby who are also nationals of excepted countries.* Paragraphs (a) and (b) of this section shall not apply with respect to any national of a country licensed hereby who is also a national of any excepted country, *Provided, however, That* for the purpose only of this license the following shall be deemed not to be nationals of an excepted country:

(1) Any individual residing in a country licensed hereby;

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country licensed hereby.

(f) *Definition.* As used in this license, the term "excepted country" shall mean any country excepted in paragraph (a) of this section.

(g) *Effective date.* The effective date of this general license shall be December 7, 1945, except that it shall be October 5, 1945 as to France, November 20, 1945 as to Belgium, November 30, 1946 as to Switzerland and Liechtenstein, December 31, 1946 as to Germany and Japan, and March 28, 1947 as to Sweden.

(h) *Restrictions of General Ruling No. 11A.²* Attention is directed to the special restrictions contained in General

¹ 8 F. R. 14341.

² 10 F. R. 5573, 11 F. R. 9340, 12 F. R. 1453.

Ruling No. 11A pertaining to dealings in certain property in which there is any interest of Germany or Japan or certain nationals thereof.

(Sec. 5 (b) 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Supp., 5 (b) E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp., Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-2923; Filed, Mar. 27, 1947; 8:46 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

MARCH 28, 1947.

Amendment to General License No. 95 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.95 (paragraph (4) (a) of General License No. 95) is hereby amended to read as follows:

§ 131.95 *Property certified by governments of specified countries.* * * *

(d) *Definitions.* * * *

(1) The term "country specified herein" means the following:

(i) France, effective October 5, 1945;
(ii) Belgium, effective November 20, 1945;

(iii) Norway, effective December 29, 1945;

(iv) Finland, effective December 29, 1945;

(v) The Netherlands, effective February 13, 1946;

(vi) Czechoslovakia, effective April 26, 1946;

(vii) Luxembourg, effective April 26, 1946;

(viii) Denmark, effective June 14, 1946;

(ix) Greece, effective October 15, 1946;

(x) Switzerland, effective November 30, 1946;

(xi) Liechtenstein, effective November 30, 1946;

(xii) Poland, effective January 7, 1947;

(xiii) Austria, effective January 16, 1947;

(xiv) Sweden, effective March 28, 1947;

and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(Sec. 5 (b) 40 Stat. 415, 966; sec. 2, 48 Stat. 1, 54 Stat. 179; sec. 301, 55 Stat.

839; 12 U. S. C. 95a, 50 U. S. C. App. Supp., 5 (b), E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., and 1945 Supp., Regulations, Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1-7, 11 F. R. 1769, 7184, 12 F. R. 6)

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-2924; Filed, Mar. 27, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—American Battle Monuments Commission

PART 501—ERECTION OF WAR MEMORIALS IN FOREIGN COUNTRIES BY AMERICAN CITIZENS, STATES, MUNICIPALITIES, OR ASSOCIATIONS

PART 502—ERECTION OF MEMORIAL MONUMENTS, BUILDINGS, AND HEADSTONES IN AMERICAN CEMETERIES LOCATED OUTSIDE THE UNITED STATES AND ITS TERRITORIES AND POSSESSIONS

MISCELLANEOUS AMENDMENTS

1. The head note of Part 501 is changed from "Erection of World War I Memorials in Europe by American citizens, States, municipalities, or associations" to "Erection of war memorials in foreign countries by American citizens, States, municipalities, or associations."

2. Paragraph (a) of § 501.1 is amended to read:

§ 501.1 *Restrictions on erection.* (a) The policy of the Commission shall be to decline to approve any plans for memorials in foreign countries, proposed for erection by States, municipalities, military organizations or private individuals of the United States, with the exception of memorials that will be useful to the inhabitants of the neighborhood in which they are to be erected, such as bridges, fountains, public buildings, gateways or other public improvements.

3. The citation of authority for Part 501 is amended to read: "(Sec. 8, 42 Stat. 1510, Sec. 2, 60 Stat. 317, Pub. Law 456, 79th Cong., 36 U. S. C. 129)"

4. The head note of Part 502 is changed from "Erection of memorial monuments, buildings, and headstones in the American cemeteries in Europe" to "Erection of memorial monuments, buildings, and headstones in American cemeteries located outside the United States and its territories and possessions."

5. Paragraph (b) of § 502.1 is amended to read:

§ 502.1 *Restrictions on erection.* * * * (b) There shall be no variation in the types of headstones officially adopted for use in American cemeteries located outside the United States and its territories and possessions.

6. The citation of authority for Part 502 is amended to read: "(Sec. 2, 42

Stat. 1509, Sec. 2, 60 Stat. 317; Pub. Law 456, 79th Cong., 36 U. S. C. 123)"

[SEAL] THE AMERICAN BATTLE MONUMENTS COMMISSION,
ROBERT G. WOODSIDE,
Vice Chairman.

[F. R. Doc. 47-2877; Filed, Mar. 27, 1947; 8:48 a. m.]

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

[Amdt. 315]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE AND PERSONAL EFFECTS

Section 802.11 *Personal baggage and personal effects*, is hereby amended as follows:

Subparagraph (1) of paragraph (b) is hereby amended to read as follows:

(b) *Special provisions.* * * *

(1) *Foods and soaps.*—The total domestic value of all soap, butter, and other edible fats and oils shall not exceed \$5.00. The total domestic value of all food, including the \$5.00 allowance for soap, butter and other edible fats and oils, shall not exceed \$50.00.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671, 59 Stat. 270; 60 Stat. 215; 50 U. S. C. App. and Supp. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245)

Dated: March 6, 1947.

FRANCIS MCINTYRE,
Deputy Director for Export Control, Commodities Branch.

[F. R. Doc. 47-2923; Filed, Mar. 27, 1947; 8:53 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 58 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 398 and 475, 79th Cong., E. O. 9024, 7 F. R. 329, E. O. 9040, 7 F. R. 527, E. O. 9125, 7 F. R. 2719, E. O. 9599, 10 F. R. 10155, E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 1010—SUSPENSION ORDERS

[Suspension Order No. S-1125]

POMEROY MOTOR CO.

Pomeroy Motor Company, a corporation, West Main Street, Pomeroy, Ohio, on or about November 11, 1946, without authorization of the Civilian Production Administration, began construction and thereafter carried on and participated in the construction of a one-story cinder block building to be used for commercial and storage purposes, located on Union Avenue, Pomeroy, Ohio, the estimated cost of which construction was \$17,280.

The beginning of construction and the carrying on and participating in construction as aforesaid constituted a willful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1125 *Suspension order No. S-1125.* (a) Neither Pomeroy Motor Company, a corporation, its successors and assigns, nor any other person shall do any further construction on the one story cinder block structure to be used for commercial and storage purposes located on Union Avenue, Pomeroy, Ohio, including the putting up, completing or altering said structure, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Pomeroy Motor Company shall refer to this order in any application or appeal which it may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Pomeroy Motor Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3019; Filed, Mar. 27, 1947;
11:18 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1126]

PETE CLADIANOS & G. W. FRIEDHOFF

Pete Cladianos, the owner of the Rancho Motel located at the intersection of South Virginia Street and Airport Road approximately one mile south of the city limits of Reno, Nevada, and G. W. Friedhoff, Superintendent in charge of construction, subsequent to April 10, 1946, without authorization from the Civilian Production Administration, began construction of a 20-unit addition to the existing structure known as "The Rancho Motel," at an estimated cost of \$65,000.00, in violation of Civilian Production Administration Order VHP-1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1126 *Suspension Order No. S-1126.* (a) Neither Pete Cladianos nor G. W. Friedhoff, their successors or assigns, nor any other person shall do any further construction on the building located at the intersection of South Virginia Street and Airport Road approximately one mile south of the city limits of Reno, Nevada, including putting up, completing, or altering the structure, un-

less hereafter authorized in writing by the Civilian Production Administration.

(b) Pete Cladianos and G. W. Friedhoff shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Pete Cladianos or G. W. Friedhoff, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-3020; Filed, Mar. 27, 1947;
11:18 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

MINIDOKA IRRIGATION PROJECT, GOODING DIVISION, IDAHO

CROSS REFERENCE: For public notice announcing the availability of water for public lands and opening of public lands to entry in Minidoka Irrigation Project, Gooding Division, Idaho, see F. R. Doc. 47-2879 under Department of Interior, Bureau of Reclamation, in Notices section, *infra*.

PART 402—ANNUAL WATER CHARGES

YUMA IRRIGATION PROJECT, ARIZONA- CALIFORNIA

CROSS REFERENCE: For an addition to the tabulation contained in § 402.2 see F. R. Doc. 47-2880 under Department of Interior, Bureau of Reclamation, in the Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 369, Amdt. 11]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON CLOSED BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of March A. D. 1947.

Upon further consideration of Service Order No. 369 (10 F. R. 14030), as amended (10 F. R. 15073; 11 F. R. 639, 2383, 7857, 10304, 8453, 11013, 14522; 12

F. R. 1606, 1724), and good cause appearing therefor; it is ordered, that:

Section 95.369, *Demurrage charges on closed box cars*, of Service Order No. 369, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or inter-coastal traffic.* Except as shown below, import, export, coastwise (including Great Lakes) or intercoastal traffic is subject to this section.

Exceptions. Import, export, coastwise (including Great Lakes) or intercoastal bulk grain or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels or held at United States-Canadian border crossings, is not subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 25, 1947, and the provisions of this amendment shall apply to cars on hand on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2902; Filed, Mar. 27, 1947;
8:51 a. m.]

[S. O. 653, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of March A. D. 1947.

Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1816) and good cause appearing therefor: it is ordered, that:

Section 95.653, *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraphs (c) (3) and (e), for paragraphs (c) (3) and (e) thereof:

(c) *Application.* * * *

(3) *Export, import, coastwise or inter-coastal traffic.* Except as shown below, import, export, coastwise (including

Great Lakes) or intercoastal traffic is subject to this section.

Exemptions. Import, export, coast-wise (including Great Lakes) or intercoastal bulk freight or explosives traffic, during the period such traffic is held in cars at ports for transfer to vessels or held at United States-Canadian border crossings, is not subject to this order. Bulk freight means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed, or which is not in containers or in units of such size as to permit piece by piece unloading.

(e) **Expiration date.** This section shall expire at 7:00 a. m., June 30, 1947, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 25, 1947, and shall apply to cars on hand on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2903; Filed, Mar. 27, 1947;
8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF DETERMINATION WITH RESPECT TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.) and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on December 28, 1946 (11 F. R. 14715) that a referendum would be conducted among the growers who, during the marketing season beginning on April 1, 1946, had been engaged, in the State of California, in the production of Bartlett pears, plums, or Elberta peaches for shipment in fresh form to determine whether the requisite majority of such growers favored the termination of the aforesaid amended marketing agreement and order as to any one or more of the fruits covered thereby.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 17 to February 1, 1947, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, is not favored by the requisite majority of such growers with respect to any or all of such fruits.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp. 936.10)

Done at Washington, D. C., this 24th day of March 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-2912; Filed, Mar. 27, 1947;
8:52 a. m.]

[7 CFR, Part 961]

[Docket AO 160-A5]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMEND- MENTS TO TENTATIVELY APPROVED MAR- KETING AGREEMENT

Proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737, 12 F. R. 1159) notice is hereby given of a hearing to be held at the Jefferson Room, Adelphia Hotel, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. s. t., April 9, 1947, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area. The proposals to delete the present formula method of computing the Class I price raise the question of whether the formula method will operate more satisfactorily to maintain Class I prices at a level which will be consistent with the standard set forth in the act as expressed by the market prices of butter now utilized as the formula base or some other group of prices or factors such as a combination of butter prices with nonfat dry milk solids, the prices paid farmers delivering to surrounding fluid milk markets and to manufacturing milk plants, and indexes of purchasing power of both farmers and consumers. The proposal to modify the classification of nonproducer milk received at producer milk plants raises the question of whether the definition of a "producer milk plant" should be revised to include such "nonproducer milk."

Evidence with respect to these questions will also be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

In order to cooperate with the Pennsylvania Milk Commission, the hearing will be conducted jointly with the Commission.

Proposals upon which evidence will be received are as follows:

Proposed by Milk Distributors' Association of the Philadelphia Area, Inc.

1. Amend § 961.1 (a) (3) so as to exclude from "the Philadelphia, Pennsylvania Milk Marketing Area" that portion of Delaware County lying north, northwest and west of the Darby Creek.

2. Amend § 961.1 (a) (6) (i) by eliminating the following plant listings:

Penn-Reed Milk Co., Belleville, Pa.
Philadelphia Dairy Products Co., Inc.,
Pottstown, Pa.

by adding the following plant listings:

Abbotts Dairies, Inc., Belleville, Pa.
Abbotts Dairies, Inc., Reedsville, Pa.
Philadelphia Dairy Products Co., Inc., Bon-
ton, Pa.
Supplee-Wills-Jones Milk Co., Nassau,
Del.

3. Amend § 961.3 (b) (1) by changing the words "less than 18 percent butterfat" to "less than 17.5 percent butterfat."

4. Amend § 961.3 (c) by changing the words "less than 18 percent butterfat" to "less than 17.5 percent butterfat."

5. Eliminate § 961.3 (e) (2) and eliminate the words "During the months July to March inclusive" from § 961.3 (e) (1)

6. Amend § 961.4 (a) (1), as amended, so as to provide:

(a) For the elimination of formula pricing for Class I milk.

(b) A fixed price for Class I milk which will reflect current and prospective market conditions.

(c) A variation of the price for Class I milk in different seasons of the year to encourage level production of milk.

Proposed by United Farmers' Cooperative:

7. Revise the Class I price provision to substitute for the present butter formula a price based on factors reflecting

the cost of milk production such as commercial 16 percent dairy feed and wages of hired farm labor in relation to the purchasing power of consumers.

Proposed by Oakland Farms:

8. The Class I price of milk to producers should be based on factors entering into their cost of production, plus a reasonable profit, and maintain an adequate supply of milk for the area with due consideration to provide milk to the public at a fair price. All these factors must be thoroughly reviewed at public hearings with all interested parties given an opportunity to present evidence.

Proposed by Inter-State Milk Producers' Cooperative:

9. Provide a fixed Class I price to be changed only after hearings are held in the market.

10. Provide a seasonal differential, in addition to the fixed Class I price proposed in (1) of approximately 50 cents per hundredweight for the months of July through September, and January through March, respectively, and a seasonal differential of approximately \$1.00 in addition to the fixed Class I price proposed in (1) during the months of October through December.

11. Provide that the fixed Class I price referred to in (1) and the differentials referred to in (2) to be determined after a consideration of the evidence introduced at the hearing proposed in this call, in such manner that a combination of the Class I price, the differentials and the Class II price will return to producers an over-all price sufficient to cover their costs of production and a reasonable profit, and to provide for the consumers of the Philadelphia area an adequate, constant and more even supply of milk.

Proposed by the Dairy Branch:

12. In § 961.4 (a) (2) revise the alternative method of computing the butterfat value of the Class II price on the basis of New York butter prices to include a factor which will increase that value 10 cents per hundredweight of milk.

13. Amend § 961.4 (a) (2) to provide for computation of the Class II price on the basis of all prices reported by the United States Department of Agriculture for nonfat dry milk solids for human consumption, in carlot sales on the New

York market, rather than on the basis of quotations for dry skim milk for animal feed and for human consumption as now provided.

Proposed by United Farmers' Cooperative:

14. Provide a 3.7 percent butterfat basis for payment in lieu of the 4.0 percent basis now used.

15. Provide a producer butterfat differential of 7 cents per hundredweight for each one-tenth of one variation above or below 3.7 percent butterfat.

Proposed by Milk Distributors' Association of the Philadelphia Area, Inc.:

16. Reconsider the butterfat differential on Class I milk.

17. Amend § 961.4 (c) to provide for an additional hauling allowance on "distress milk."

18. Amend § 961.4 (d) by changing the words "on any wholesale or retail routes from which no milk is disposed of in the marketing area on the same trip" to "on any retail route from which no milk is disposed of in the marketing area on the same trip, and on any wholesale route."

19. Further amend § 961.4 (d) by adding at the end thereof an additional proviso as follows: "And provided further That when sold in an area regulated by an order of a State Milk Control Agency but not regulated by another order of the Secretary, the minimum price specified under the Milk Control Order of such State Agency shall apply."

Proposed by Suburban Milk Dealers' Association:

20. Amend § 961.4 (d) by inserting after the words "shall be, as ascertained by the market administrator," the words: "subject to the proviso herein-after set forth," and by adding at the end thereof an additional proviso as follows: "And provided further, That when sold in an area regulated by an order of a state milk control or regulatory agency but not regulated by another order of the Secretary, the minimum price effective under the state milk control or regulatory agency order shall apply."

Proposed by Oakland Farms:

21. Revise § 961.4 (d) to read as follows:

(d) Class I milk disposed of outside the marketing area. The price to be paid by handlers for Class I milk dis-

posed of outside the marketing area on any wholesale or retail routes from which no milk is disposed of in the marketing area on the same trip, in lieu of the price otherwise applicable pursuant to this section, shall be (1) for milk produced and disposed of in the Commonwealth of Pennsylvania, exclusive of the marketing area, the price for Class I milk shall be the same as that prescribed by the various Official Orders of the Pennsylvania Milk Control Commission for each of the respective state areas (2) for milk sold in an area regulated by another marketing order of the Secretary, the price effective under such an order shall apply (3) for milk sold in any other area, the market administrator shall ascertain the price.

Proposed by Milk Distributors' Association of the Philadelphia Area, Inc.:

22. Amend § 961.5 (a) by changing the words "8th day" to "9th day."

23. Add a new provision to provide that: "The market administrator shall not audit, re-audit, or charge any person subject to this order for operations during any month later than two years after the date of the filing of the report for such operations, except in case of fraud."

24. Eliminate § 961.10.

Proposed by the Dairy Branch:

25. Delete from § 961.8 (e) the words, "and 3 cents per hundredweight at plants 31 miles or more from City Hall, Philadelphia," and consider the addition of a like amount of differentials set forth in § 961.4 (c) (1).

Copies of this notice of hearing and of the tentatively approved marketing agreement, as amended, and of the order as amended, now in effect, may be procured from the Market Administrator, 11 North Juniper Street, Philadelphia 7, Pennsylvania or from the Hearing Clerk, United States Department of Agriculture, Room 0308 South Building, Washington 25, D. C., or may be there inspected.

Dated: March 24, 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[P. R. Dec. 47-2313; Filed, Mar. 27, 1947; 8:52 a. m.]

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51648]

COAL, COKE AND BRIQUETS IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

MARCH 25, 1947.

Coal, coke made from coal, and coal or coke briquets imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from

January 1 to December 31, 1947, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in the Internal Revenue Code, section 3423:

Brazil Canada New Zealand

Coal, coke made from coal, and coal or coke briquets produced in the following countries, imported into the United States directly or indirectly therefrom and entered for consumption or withdrawn from warehouse for consumption during the calendar year 1947 will be exempt from the tax by virtue of the Internal Revenue Code, section 3420:

Mexico
Peru
Poland

Spain
United Kingdom

Such fuels will be subject to the tax when imported from the following countries and entered or withdrawn for consumption during the calendar year 1947:

Australia Union of South Africa

The above list does not include countries from which there have been no importations of coal or allied fuels since January 1, 1945. Further information concerning the taxable status of such fuels imported during the calendar year

1947 will be furnished upon application therefor to the Bureau.

[SEAL]

W. R. JOHNSON,
Commissioner of Customs.

[F. R. Doc. 47-2921; Filed, Mar. 27, 1947;
8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; and 475, 79th Cong., E. O. 9024, 7 F. R. 329, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

Claimant and claim No.	Notice of intention to return published	Property
Verno Hass, Chicago, Ill., Claim No. 3789.	12 F. R. 962, Feb. 11, 1947.	Property described in Vesting Order No. 675 (8 F. R. 5029, Apr. 17, 1943), relating to U. S. Letters Patent No. 2,140,011, to the extent owned by claimant immediately prior to the vesting thereof.
International Shoe Co., St. Louis, Mo., Claim No. A-371.	12 F. R. 962, Feb. 11, 1947.	Property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to U. S. Letters Patent No. 1,930,355, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-2934; Filed, Mar. 27, 1947;
8:48 a. m.]

[Vesting Order 8433]

MAX G. WENDLER

In re: Estate of Max G. Wendler, deceased. File D-28-7990; E. T. sec. 8933.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Wendler, Karl Wendler, Otilie Wendler, Hedwig Friedrich, Milda Wendler, Klara Wendler and Minna Linke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That "John" Friedrich, first name being fictitious, husband of Hedwig Friedrich, the personal representatives, heirs, next of kin, legatees and distributees of Karl Wendler, the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Friedrich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Max G. Wendler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by William V. Elliot,

VERNE HASS AND INTERNATIONAL SHOE CO.

Having considered the claims set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,¹

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned, after adequate provision for conservatory expenses:

as Public Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the above named persons, "John" Friedrich, first name being fictitious, husband of Hedwig Friedrich, the personal representatives, heirs, next of kin, legatees and distributees of Karl Wendler, the personal representatives, heirs, next of kin, legatees and distributees of Hedwig Friedrich, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-2928; Filed, Mar. 27, 1947;
8:47 a. m.]

[Vesting Order 8447]

SHIGERU ASADA

In re: Bank account owned by Shigeru Asada. D-39-17905-E-1.

¹Filed as part of original document.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Asada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation of Bishop National Bank of Hawaii, Honolulu, T. H., arising out of a savings account, Account Number 10915, entitled K. Hayashi, Trustee for S. Asada, maintained at the branch office of the aforesaid bank located at Hilo, Hawaii, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shigeru Asada, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-2929; Filed, Mar. 27, 1947;
8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 42]

MINIDOKA IRRIGATION PROJECT (GOODING DIVISION), IDAHO

PUBLIC NOTICE OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER

1. *Public land for which entry may be made and for which water is available.* In pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, it is hereby announced that water will be available for the irrigation season of 1947 and thereafter and that entry may be

a prospectus are to be set forth in comparative form if practicable, and shall include the notes thereto and the accountants' certificate.

§ 230.422 *Summaries or outlines of documents.* Where a summary or outline of the provisions of any document is required, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may, subject to § 230.448, incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in a prospectus only to the extent permitted by this section.

§ 230.423 *Date of prospectuses.* Each prospectus used upon the commencement of the public offering of registered securities shall be dated as of the effective date of the registration statement. Each revised, amended or supplemented prospectus used thereafter shall bear the approximate date of its issuance, in addition to the date required by the preceding sentence.

§ 230.424 *Filing of prospectuses; number of copies.* (a) In addition to the three copies of the prospectus included in the body of the registration statement proper, five copies of the prospectus proposed to be used upon the commencement of the public offering of a security shall be filed with the registration statement at the time the statement is filed. A copy of the cross reference sheet required by § 230.404 (c) shall be bound with or attached to each copy of the prospectus so filed.

(b) Within five days after the commencement of the public offering, twenty copies of each form of prospectus used in connection with such offering shall be filed, in the exact form used, with the office of the Commission with which the registration statement was filed.

(c) No prospectus which purports to comply with section 10 of the act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until twenty copies thereof shall have been filed with the office of the Commission with which the registration statement was filed.

(d) Every prospectus consisting of a radio broadcast shall be reduced to writing. At least five days before the prospectus is broadcast or otherwise issued to the public, five copies thereof shall be filed with the office of the Commission with which the registration statement was filed.

§ 230.425 *Statement required in all prospectuses.* There shall be placed on the front page of every prospectus, in conspicuous print, the following three paragraphs, with the first and third paragraphs in capital letters:

These securities have not been approved or disapproved by the Securities and Exchange Commission.

----- (insert name of issuer) has registered the securities by filing certain information with the Commission. The Commission does not pass upon the merits of any securities registered with it.

It is a criminal offense to represent that the Commission has approved these securities or has made any findings that the statements in this prospectus or in the registration statement are correct.

§ 230.426 *Statement as to stabilizing.* In any case in which the registrant or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize the price of any security to facilitate the offering of the registered security, there shall be placed on the first or second page of every prospectus the following statement in capital letters:

To facilitate the offering, it is intended to stabilize the price(s) of -----
(Title of securities)

on -----
(Name each exchange. If none, omit this line.)

This statement is not an assurance that the price(s) of the above securities will be stabilized or that the stabilizing, if commenced, may not be discontinued at any time.

§ 230.427 *Contents of prospectuses used after thirteen months.* Information contained in a registration statement may be omitted from a prospectus used more than 13 months after the effective date of the registration statement insofar as information on the same subjects but as of a date not more than 12 months prior to the use of the prospectus is contained therein. No amendment of the registration statement need be made in connection with the substitution of information pursuant to this section, but 20 copies of the prospectus proposed to be used shall be filed with the Commission pursuant to § 230.424 (c).

§ 230.428 *Invitations for competitive bids.* Any information or documents contained in a registration statement may be omitted from any newspaper advertisement which is only an invitation for competitive bids for the registered securities: *Provided*, (a) The terms of the bidding require that each bid shall be a firm bid for the purchase of the entire amount of such securities; and (b) the advertisement states that prior to the acceptance of any bid, the bidder will be furnished a copy of the official prospectus. In such case, no other requirements of the Commission with respect to newspaper prospectuses need be complied with. Such advertisement shall not be deemed a prospectus meeting the requirements of section 10 for the purpose of section 2 (10) (a) or 5 (b) (2) of the act.

§ 230.429 *Prospectus for employees' savings, profit sharing or pension plans.* (a) Any prospectus for shares of stock of an issuer in which funds of a savings, profit sharing or pension plan for employees of the issuer are to be invested need contain only the information specified below if the prospectus is sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer and who have become members of the plan prior to receipt of the prospectus prepared in accordance with this section:

(1) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(2) Financial statements of the plan corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(3) Financial statements of the issuer of the underlying stock and its subsidiaries corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

(b) The financial statements specified in paragraph (a) of this section may be omitted from any prospectus used in the manner specified in that paragraph if:

(1) The fiscal year of the issuer of the underlying stock has ended within ninety days prior to the date when it is desired to distribute the prospectus to members of the plan.

(2) The prospectus contains, or is accompanied by, financial statements (which need not be certified) substantially meeting the requirements of paragraph (a) of this section.

(3) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this paragraph are made conveniently available to all members of the plan at their respective places of employment.

(4) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which and the approximate date on which the financial statements will be made available to members of the plan pursuant to subparagraph (3) of this paragraph.

WRITTEN CONSENTS

§ 230.435 *Consents of experts.* (a) All consents of experts filed with the registration statement pursuant to section 7 of the act shall be dated and shall be signed manually. All such consents, except those contained in the reports of experts, shall be attached after the signature page of the registration statement. Following the consents so attached, there shall be listed the names of all experts whose consents are contained in their reports and not attached after the signature page. After each name so listed a reference shall be made to the report containing the expert's consent.

(b) If any portion of the report of an expert is quoted or summarized in the registration statement or in a prospectus the written consent of the expert shall clearly identify the portion or portions of the report so quoted or summarized and shall expressly state that the expert consents to such quotation or summarization.

(c) If it is stated that any information contained in the registration statement has been reviewed or passed upon by any persons and that such information is set

forth in the registration statement upon the authority of or in reliance upon such persons as experts, the written consents of such persons shall be filed with the registration statement.

§ 230.436 *Application to dispense with consent.* An application to the Commission to dispense with any written consent of an expert pursuant to section 7 of the act shall be made by the registrant and shall be supported by an affidavit or affidavits establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. Such application shall be filed and consent of the Commission shall be obtained prior to the effective date of the registration statement.

§ 230.437 *Consents of persons about to become directors.* If any person who has not signed the registration statement is named therein as about to become a director, the written consent of such person shall be filed with the registration statement. Any such consent, however, may be omitted if there is filed with the registration statement a statement by the registrant, supported by an affidavit or affidavits, setting forth the reasons for such omission and establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. All consents filed pursuant to this section shall be dated, shall be signed manually, and shall be attached after the signature page of the registration statement and immediately following consents of experts and lists of consents, if any, filed pursuant to § 230.435.

§ 230.438 *Consent to use of material incorporated by reference.* If the act or the rules and regulations of the Commission require the filing of written consent to the use of any material in connection with the registration statement, such consent shall be filed with the registration statement even though the material is incorporated therein by reference.

EXHIBITS

§ 230.445 *Additional exhibits.* The registrant may file such exhibits as it may desire, in addition to those required by the appropriate form. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

§ 230.446 *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, patents, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the registrant need file a copy of only one of such documents, with a schedule identifying the other documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed: *Provided, however* That the Commission may at any time in its discretion require the filing of copies of any documents so omitted.

§ 230.447. *Incorporation of exhibits by reference.* (a) Any document or part thereof previously or concurrently filed

with any office of the Commission pursuant to any act administered by the Commission may be incorporated by reference as an exhibit to any registration statement filed with any office of the Commission.

(b) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the registrant shall file with the reference a statement containing the text of any such modification and the date thereof.

(c) If the number of copies of any document previously or concurrently filed is less than the number required to be filed with the registration statement which incorporates such document as an exhibit, the registrant shall file with the registration statement as many additional copies of the document as may be necessary to meet the requirements of such statement.

§ 230.448 *Form of, and limitation upon, incorporation by reference.* (a) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required.

(b) Notwithstanding any particular provisions permitting incorporation by reference, the Commission may refuse to permit such incorporation in any case in which in its judgment such incorporation would render the statement incomplete, unclear or confusing.

FILING, FEES, EFFECTIVE DATE

§ 230.455 *Place of filing.* (a) Except as provided in paragraph (b) of this section, all registration statements shall be filed with the Commission at its principal office.

(b) If the principal executive offices of the registrant, or of a principal underwriter of the securities being registered, are located in the State of California, Nevada, Arizona, Oregon, Washington, Idaho, or Montana, or in the Territory of Hawaii, the registration statement may be filed with the regional office of the Commission in the Bank of America Building, 625 Market Street, San Francisco, Calif. However, the provisions of this paragraph shall not apply to registrants which are subject to the provisions of the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940.

§ 230.456 *Date of filing.* The date on which any papers are actually received in the proper office of the Commission pursuant to § 230.455 shall be the date of filing thereof, if all the requirements of the act and the rules with respect to such filing have been complied with and the required fee paid. The failure to pay an insignificant amount of the required fee at the time of filing, as the result of a bona fide error, shall not be deemed to affect the date of filing.

§ 230.457 *Computation of fee.* (a) At the time of filing a registration statement, the registrant shall pay to the Commission a fee of one one-hundredth of 1 percent of the maximum aggregate price at which the securities are pro-

posed to be offered, but in no case shall such fee be less than \$25.

(b) Where securities are to be offered at prices computed upon the basis of fluctuating market prices, the registration fee is to be calculated upon the basis of the price at which units of securities of the same class were or would have been sold on a specified date within fifteen days prior to the filing of the registration statement.

(c) Where securities are to be offered at varying prices based upon fluctuating values of underlying assets, the registration fee is to be calculated upon the basis of the market value of such assets as of a date within fifteen days prior to the date of filing, in accordance with the method to be used in calculating the daily offering price.

(d) Where securities are to be offered to existing security holders and the portion, if any, not taken by such security holders is to be reoffered to the general public, the registration fee is to be calculated upon the basis of the offering price to such security holders or the reoffering price to the general public, whichever is higher.

(e) Where securities are to be offered in exchange for other securities the registration fee is to be calculated upon whichever one of the following basis is applicable:

(1) The market value of the securities to be received by the registrant in exchange as established by bona fide transactions as of a date within fifteen days prior to the date of filing.

(2) If there be no market value thus established, the book value of the securities to be received by the registrant in exchange shall be used unless the issuer of the securities to be received in exchange is in bankruptcy or receivership, in which case one third of the principal amount, par value or stated value of the securities to be received in exchange shall be used.

However, where other securities of the same class as those to be offered in exchange are to be offered for cash, the maximum aggregate price shall be calculated upon the basis of the cash offering price or the basis specified above, whichever is higher. For the purposes of this paragraph, securities offered directly or indirectly in exchange for certificates of deposit shall be deemed to be offered in exchange for the securities represented by the certificates of deposit.

§ 230.458 *Payment of fee.* All payments of fees shall be made in cash, or by United States postal money order or certified check payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

§ 230.459 *Calculation of effective date.* The effective date of registration statements under section 8 (a) of the act shall be calculated as follows:

(a) Saturdays, Sundays and holidays shall be counted in computing the effective date.

(b) In the case of statements which become effective pursuant to section 8 (a) on the twentieth day after the filing thereof, the twentieth day shall be

7. Delete § 967.1 (j) and substitute therefor the following:

(j) "Supplementary milk" means milk, skim milk, or cream received from sources other than producers or handlers.

8. Amend § 967.1 by adding a new paragraph (k) as follows:

(k) "Milk" means the lacteal secretion obtained by the milking of one or more cows, whether in the original or in any processed form, including cream, buttermilk, and skim milk intended for human consumption.

By the Dairy Branch, Production and Marketing Administration:

9. Delete the provisions of § 967.2 and substitute therefor the following:

§ 967.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain, in an amount and with surety thereon satisfactory to the Secretary, a bond covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 967.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 967.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 967.3, or (ii) payments pursuant to §§ 967.8, 967.9, 967.10, or 967.11,

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the price determined for each delivery period as follows:

(i) On or before the 7th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to § 967.5; and

(ii) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 967.7 and the butterfat differential computed pursuant to § 967.8; and

(10) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

By the Dairy Branch, Production and Marketing Administration:

10. Delete the provisions of § 967.3 and substitute therefor the following:

§ 967.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 9th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, (iii) emergency milk, and (iv) other source milk; and the sources thereof;

(2) The utilization of all receipts required to be reported under subparagraphs (1) and (2) of this paragraph; and

(3) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk

received from each producer and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (i) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to (1) the receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

By the Dairy Branch, Production and Marketing Administration:

11. Delete the provisions of § 967.4 and substitute therefor the following:

§ 967.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in emergency milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk and butterfat;

(i) Disposed of in the form of milk or milk drinks, whether plain or flavored, including bulk milk disposed of to bakeries, hotels, restaurants, and other retail food establishments;

(ii) Not specifically accounted for as any item included under subdivision (i) of this subparagraph or as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all skim milk and butterfat used to produce (i) cream or as any mixture of cream and milk or skim milk (excluding any item accounted for under subparagraph (3) (i) of this paragraph) containing not less than 6 percent of butterfat, or (ii) cottage cheese.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce frozen cream, ice cream, cheese (except cottage cheese) or ice cream mix; or

(ii) Used to produce a milk product other than any of those specified in subparagraph (1) (i) (2), or (4) of this paragraph.

(4) Class IV milk shall be all skim milk and butterfat:

(i) Used to produce butter;

(ii) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section, but not in excess of 3 percent thereof; and

(iii) In actual plant shrinkage of emergency milk and other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in emergency and other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between producer milk and emergency and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of plant shrinkage pursuant to paragraph (g) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted in the form of milk and as Class II milk if so disposed of in the form of cream to a nonhandler's plant unless, (i) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 9th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utiliza-

tion of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section;

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk and Class IV milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(i) Subtract plant shrinkage of skim milk pursuant to paragraph (b) (4) (ii) of this section from the total pounds of skim milk in Class IV milk;

(ii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to (e) of this section;

(iii) Subtract pro rata from the pounds of skim milk remaining in each class after making the deduction pursuant to subdivisions (i) and (ii) of this subparagraph the pounds of skim milk in emergency milk;

(iv) Subtract from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available use, the pounds of skim milk contained in milk other than from producers, handlers, and emergency sources; and

(v) Add to the remaining pounds of skim milk in Class IV milk the pounds subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in subparagraph (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the remaining Class I milk, Class II milk, Class III milk, and Class IV milk computed pursuant to subparagraphs (1) and (2) of this paragraph.

By the Pure Milk Association:

12. Amend § 967.4 (b) (1) to read:

(1) Class I milk shall be all milk disposed of in the form of milk, buttermilk or milk drinks, whether plain or flavored including bulk milk disposed of to bak-

eries, hotels, restaurants and other retail food establishments, and all milk not accounted for as Class II, Class III, and Class IV milk.

13. Delete the provisions of § 967.4 (d) (7) (ii) and (iii) and substitute therefor the following:

(ii) Subtract from the lowest class in which the handler has milk, the total pounds of milk which were received from sources other than producers and handlers;

(iii) Subtract pro rata from the remaining pounds of milk in each class the pounds of emergency milk received; emergency cream to be deducted pro rata from Class II, Class III, and Class IV milk.

By Reliable Dairy Company, Inc., et al:

14. Delete § 967.4 (b) (1), (2) and (3) and substitute therefor the following:

(b) *Classes of utilization.* Subject to the condition set forth in paragraph (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk or milk drinks, whether plain or flavored, having a butterfat content of not less than 3.25 percent, and all milk not accounted for as Class II milk, Class III milk, and Class IV milk.

(2) Class II milk shall be all milk, the butterfat from which is disposed of as sweet or sour cream.

(3) Class III milk shall be all milk, the butterfat from which is used to produce a milk product other than one of those specified in Class II or Class IV and including frozen cream, ice cream, cheese, and ice cream mix, and any milk sold as fluid milk and cream to bakery, soup, or candy manufacturing establishments.

15. Amend § 967.4 (b) by adding the following:

(5) Class V milk shall be all milk in excess of the actual and complete requirements of each plant determined as follows: any plant whenever they shall notify the Pure Milk Association or the market administrator not less than 24 hours previous to dispose of all milk above the actual and complete requirements, and said Pure Milk Association or market administrator shall fail to accept delivery of said milk or to dispose of the same and which milk the handler takes into his plant on account of their said failure to accept said delivery or to dispose of said milk.

16. Delete § 967.4 (d) (3) and substitute therefor the following:

(3) Determine the total pounds of milk in Class I as follows: (i) Convert to quarts the quantity of milk disposed of in the form containing not less than 3.25 percent butterfat and multiply by 2.15 and convert to quarts the quantity of flavored milk drinks containing not less than 3.25 percent butterfat and multiply by 1.935 and add the total thus received, (ii) Multiply the result by its average butterfat test, and (iii) If the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk,

Class III milk, and Class IV milk, computed pursuant to subparagraphs (4) (ii), and 6 (ii) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 4 percent and shall be added to the quantity of milk determined pursuant to subdivision (i) of this subparagraph.

17. Delete § 967.4 (d) (7) and substitute therefor the following:

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in Class IV the total pounds of milk which were received from other handlers;

(ii) Subtract pro rata from the remaining pounds of milk in each class the pounds of supplementary milk received;

(iii) Except as set forth in paragraph (e) of this section, the result shall be known as the "net pool milk" in each class.

18. Delete § 967.4 (e) (2) and substitute therefor the following:

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Classes IV, III, II, and in that order for such handler only to the extent that such handler has milk in said respective class by an amount equal to the difference between the receipts of milk from producers, and the total utilization of milk by classes for such handler, provided that from Class IV first shall be deducted the allowable plant shrinkage, which result shall be known as "net pool milk" in each class.

By the Dairy Branch, Production and Marketing Administration:

19. Delete § 967.5 and substitute therefor the following:

§ 967.5 *Minimum prices*—(a) *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to subparagraphs (1) (2) or (3) of this paragraph, computed to the nearest tenth of a cent.

(1) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

Provided, That if one of the above companies fails to report the price for milk so received, the average of the basic (or

field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture shall be used:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply by 3.5 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, add 20 percent; and

(ii) Add or subtract 3.5 cents per hundredweight for each full one-half cent that the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture during the delivery period, is above or below 5.5 cents, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk re-

ceived and classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus 65 cents.

(c) *Class II milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus 40 cents.

(d) *Class III milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class III milk, shall be the same as the basic formula price.

(e) *Class IV milk prices.* Subject to the provisions of paragraphs (f) and (g) of this section the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class IV milk, shall be the price determined pursuant to paragraph (a) (3) of this section.

(f) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator by multiplying the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period by the following factors for each class respectively and divide the result by 10:

Class I milk—1.35.
Class II milk—1.30.
Class III milk—1.25.
Class IV milk—1.20.

(g) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market admin-

istrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

By the Pure Milk Association:

20. Amend § 967.5 (a) (1), (2), and (3) to read:

(1) *Class I milk.* The price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b) of this section, plus:

For the delivery periods of:

January through April.....	\$0.70
May and June.....	.50
July and August.....	.70
September through December.....	1.00

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section, plus:

For the delivery periods of:

January through August.....	\$0.37
September through December.....	.68

(3) *Class III milk.* The price per hundredweight for Class III milk shall be the average as computed by the market administrator of the prices ascertained to have been paid for milk of 4 percent butterfat content received during the delivery period at:

Goshen Milk Condensing Co., Goshen, Ind.,
Litchfield Creamery Co., Warsaw, Ind., and
New Paris Creamery Co., New Paris, Ind.,

or the average price as computed by the market administrator for milk of 4 percent butterfat content received during the delivery period at the following places, i. e.,

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

or the price computed under subparagraph (4) of this paragraph, whichever is the highest.

21. Delete from § 967.5 (a) (4) the figure "3½" and substitute therefor "3¾" the figures "5½" and substitute therefor "5" and the figure "7½" and substitute therefor "6½."

By Reliable Dairy Company, Inc., et al.

22. Delete § 967.5 (a) (3) and substitute therefor the following:

(3) The price per hundredweight for Class III milk shall be the average, as computed by the market administrator, of the basic (or field) prices ascertained to have been paid for milk of 4 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the three listed companies or by the United States Department of Agriculture (or by such other Federal agency as may hereafter be au-

thorized to perform this price reporting function)

Concern and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

Provided, That if any one of the above companies fails to report the price of milk so received, the price per hundredweight for Class III milk shall be the average, as computed by the market administrator ascertained to have been paid by any two of the above-named companies.

23. Amend § 967.5 (a) by adding a new subparagraph as follows:

(5) *Class V milk.* The price of Class V milk shall be the net price actually received less 20 cents per hundredweight, as and for a handling charge, f. o. b. the handler's plant.

24. Delete § 967.5 (b)

25. Delete § 967.5 (d)

26. Amend § 967.5 by adding a new paragraph (e) as follows:

(e) *Sales outside the marketing area.* The price to be paid by a handler for milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section shall be the price, as ascertained by the market administrator, which is being paid for milk of equivalent use in the market where such milk is disposed of.

27. Amend § 967.5 by adding a new paragraph (f) as follows:

(f) *Degraded milk.* Whenever the duly constituted authorities find that any producer is not producing the highest quality milk for sale in accordance with regulations for the sale of fluid milk in the marketing area, or any part thereof, then said producer shall be paid a sum as herein provided less 20 cents per hundredweight so long as he is not producing milk in said highest quality.

By the Dairy Branch, Production and Marketing Administration:

28. Delete the provisions of § 967.6 and substitute therefor the following:

§ 967.6 *Application of provisions—*
(a) *Payment for milk received from sources determined as other than producers or other handlers.* If any handler uses skim milk and butterfat from sources other than producers or other handlers, such handler shall pay producers, through the producer settlement fund, the difference between the value of such skim milk and butterfat at the Class IV price and the value of such milk in accordance with its classification pursuant to § 967.4 (g)

(b) *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this section.

(c) *Diverted milk.* Producer milk diverted from a handler's plant to a non-handler's plant shall be deemed to have

been received by the handler on whose account such milk was diverted.

(d) *Producer-handler* Sections 967.4, 967.5, 967.7, 967.8, 967.9, and 967.10 shall not apply to a producer-handler in his capacity as a handler.

By the Dairy Branch, Production and Marketing Administration:

29. Delete the provisions of § 967.7 and substitute therefor the following:

§ 967.7 *Determination of uniform prices—*(a) *Computation of value of milk.* Subject to the provisions of § 967.6 (a) the value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk, emergency milk, and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 967.3 (a), has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 967.4 (g) (1) (v) and (2) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports prescribed by § 967.3; except those in default of the payments prescribed in § 967.8 (a) for the preceding delivery period;

(2) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 967.8 (e),

(3) Subtract, if the weighted average butterfat test of producer milk represented by the values included under subparagraph (1) of this paragraph is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 967.8 (b), and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in subparagraph (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under subparagraph (4) of this paragraph.

(c) *Notification of handlers.* On or before the 15th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing

(1) the amount and value of his milk in each class and the totals thereof; (2) the applicable minimum class prices and uniform prices; (3) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 967.8 (d) and (e) and (4) the amount to be paid by each handler pursuant to §§ 967.8 (a) 967.9, and 967.10.

By the Pure Milk Association:

30. Amend § 967.7 (b) by adding thereto:

(5) add 20 cents per hundredweight on all degraded milk.

By Reliable Dairy Company, Inc., et al.

31. Delete § 967.7 (b) (1) and substitute therefor the following:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to paragraph (a) of this section, who made the reports pursuant to § 967.3 (a) (1) for such delivery period and the payments required by § 967.8 (d) for the delivery period immediately preceding; subtract for each of the delivery periods of April, May, June and an amount representing 25 cents per hundredweight of milk received from producers by the handlers whose milk values are included in this paragraph.

By the Dairy Branch, Production and Marketing Administration:

32. Delete § 967.8 and substitute therefor the following:

§ 967.8 *Payment for milk—(a) Time and method of final payment.* Each handler shall make payments as follows:

(1) On or before the 19th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 967.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (e) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 16th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association during such delivery period, not less than the value of such milk computed at the minimum class prices provided by § 967.5. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably ap-

portioned among the receiving handler's total Class I milk, Class II milk, Class III milk, and Class IV milk as determined pursuant to § 967.4 (g).

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, by 1.20, dividing by 10, and rounding to the nearest tenth of a cent.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the association, in turn, shall pay to the market administrator, on or before the 17th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (d) of this section, §§ 967.9, 967.10, and 967.11. *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the market administrator shall pay, on or before the 18th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 967.7 (b) adjusted by the butterfat differential provided by paragraph (b) of this section: *And pro-*

vided further, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

By the Pure Milk Association:

33. Delete the period at the end of § 967.8 (a) and add thereto the following: "less 20 cents per hundredweight on all degraded milk."

By Reliable Dairy Company, Inc., et al:

34. Delete § 967.8 (e) and substitute therefor the following:

(e) *Payments out of the producer-settlement fund.* (1) On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered pursuant to paragraph (c) of this section for such delivery period, less any unpaid obligation of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments, and shall complete such payments as soon as the necessary funds are available. No handler who, on the 18th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: divide $\frac{1}{3}$ of the aggregate amount held pursuant to § 967.7 (b) (1) by the hundredweight of producer's milk delivered during the delivery period involved (September, October, or November as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period.

By the Dairy Branch, Production and Marketing Administration:

35. Delete § 967.9 and substitute therefor the following:

§ 967.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.2 (c) (4) each handler shall pay the market administrator, on or before the 17th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received within the delivery period from producers (including such handler's own production) and from sources other than producers or other handlers.

By Reliable Dairy Company, Inc., et al.

36. Amend § 967.9 by deleting from lines 9 and 10 of this section, the words "and from his own production."

By the Dairy Branch, Production and Marketing Administration:

37. Delete § 967.10 and substitute therefor the following:

§ 967.10 *Marketing services*—(a) *Marketing service deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.8 (a) (1) shall make a deduction of 3 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 17th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.8 (a) (1) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 17th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

By Reliable Dairy Company, Inc., et al:
38. Amend § 967.10 (a) by inserting "excepting such handler's own production" at the end of the first sentence of said section, and by adding the following words at the end of the second sentence of said section: "Provided, That the market administrator may make a reasonable charge for any verification or test of any handler's own production."

By the Dairy Branch, Production and Marketing Administration:

39. Delete §§ 967.11 and 967.12 and substitute therefor the following:

§ 967.11 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such

amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Interest on overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 967.8, 967.9, 967.10, or paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 967.12 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.13 *Suspension or termination*—

(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 967.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 967.15 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

40. Delete § 967.13.

By Reliable Dairy Company, Inc., et al.

41. Amend § 967.11 by adding a new paragraph as follows:

(e) *Termination for lack of supply.* Whenever the Pure Milk Association or the Market Administrator cannot furnish the minimum requirements of milk required by any plant for a period of 30 days as shown upon the reports to the market administrator and that during said 30 days any such plant is required to purchase supplementary milk then this order shall automatically terminate.

General proposals by the Dairy Branch, Production and Marketing Administration:

42. Make such other changes as may be required to make the entire tentatively approved marketing agreement and the marketing order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, as amended, now in effect, may be procured from the market administrator, 116 South William Street, South Bend 24, Indiana, or from the Hearing Clerk, Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 31, 1947.

[SEAL]

E. A. MEYER,
Assistant Administrator

[F. R. Doc. 47-3239; Filed, Apr. 3, 1947;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Parts 230, 239]

REGISTRATION AND REGISTRATION
PROCEDURE

NOTICE OF PROPOSED LEGISLATION

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the revision of the rules comprising Regulation C pursuant to the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof. The proposed revision is set forth below.

Regulation C is the portion of the general rules and regulations under the act dealing with registration and registration procedure. The purpose of the proposed revision is twofold. First, it would eliminate a great deal of obsolete material, and second, it would reorganize the remaining rules in a manner intended to facilitate the registration of securities according to the simplified procedure provided by the Commission's recently revised Form S-1 (17 CFR 239.11, 11 F. R. 177A-732)

Persons desiring to comment on the proposed revision may obtain copies thereof from the principal office of the Commission at the address indicated below.

All interested persons may submit data, views and comments in writing to the Securities and Exchange Commission at its principal office, 18th and Locust Streets, Philadelphia 3, Pennsylvania, on or before April 21, 1947.

REGULATION C—REGISTRATION

§ 230.400 *Application of Regulation C.* The rules contained in §§ 230.400 to 230.492 shall govern every registration of securities under the act, except that any provision in a form covering the same subject matter as any such rule shall be controlling.

GENERAL REQUIREMENTS

§ 230.401 *Requirement as to proper form.* A registration statement shall be prepared in accordance with the form prescribed therefor by the Commission as in effect on the date of filing. Any registration statement shall be deemed to be filed on the proper form unless objection to the form is made by the Commission prior to the effective date of the statement.

§ 230.402 *Number of copies; signatures; binding.* (a) Three copies of the complete registration statement, including exhibits and all other papers and documents filed as a part of the statement, shall be filed with the Commission. At least the original of every statement filed with the principal office of the Commission, and at least the original and one copy of every statement filed with a regional office pursuant to § 230.455 (b) shall be signed by the persons specified in section 6 (a) of the act.

(b) Each copy of the registration statement filed with the Commission shall be bound in one or more parts, without stiff covers. The binding shall be made on the left-hand side and in such manners as to leave the reading matter legible.

§ 230.403 *Requirements as to paper and printing.* (a) Registration statements shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size, and the prospectus may be on smaller paper if the registrant so desires.

(b) All papers and documents filed as a part of a registration statement shall, insofar as practicable, be printed, mimeographed or typewritten. All such material shall be clear, easily readable, and suitable for repeated photocopying.

(c) All printing, mimeographing, typing or other markings shall be in black ink, except that debits in credit categories and credits in debit categories may be set forth in red or black ink, but shall in all cases be designated in such manner as to be clearly distinguishable as such on photocopies.

§ 230.404 *Preparation of registration statement.* (a) Notwithstanding any requirement of the appropriate form to the contrary, a copy of the proposed prospectus may be filed as a part of the registration statement proper in lieu of furnishing the information in item-and-answer form. Wherever this procedure is followed, either pursuant to this section or otherwise, the text of the items of the form are to be omitted from the registration statement, as well as from the prospectus, except to the extent provided in paragraph (b) of this section.

All instructions to items of the form and instructions as to financial statements, exhibits, or prospectuses are to be omitted from the registration statement in all cases.

(b) Where any items of the form require information not required to be included in the prospectus, the text of such items, together with the answers thereto, and any financial statements not required to be included in the prospectus shall be filed with the prospectus under cover of the facing sheet of the form, as a part of the registration statement proper.

(c) Every registration statement shall include a cross reference sheet showing the location in the prospectus of the information required to be included in the prospectus in response to the items of the form. If any item of the form is inapplicable, or the answer thereto is in the negative and is omitted from the prospectus, a statement to that effect shall be made in the cross reference sheet. The cross reference sheet is to be inserted in the registration statement immediately following the facing sheet.

§ 230.405 *Definitions of terms used in the forms.* Unless the context otherwise requires, all terms used in the forms for registration have the same meanings as in the act and in the general rules and regulations. In addition, the following definitions apply, unless the context otherwise requires:

Affiliate. An "affiliate" of, or a person "affiliated" with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

Amount. The term "amount" when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

Certified. The term "certified", when used in regard to financial statements, means certified by an independent public or independent certified public accountant or accountants.

Charter. The term "charter" includes articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

Commission. The term "Commission" means the Securities and Exchange Commission.

Control. The term "control" (including the terms "controlling" "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

Director. The terms "director", "principal executive, financial and accounting officer", and "trustee" or any other words indicating the holder of a position or office, include persons, by whatever titles

designated, whose duties are those ordinarily performed by holders of such positions or offices.

Employee. The term "employee" means a person other than a director, trustee, or officer.

Equity security. The term "equity security" means any stock or similar security or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security or any such warrant or right.

Fiscal year. The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

Funded debt. The term "funded debt" has reference to any indebtedness having a maturity at the time of its creation of more than one year, independent of acceleration.

Majority-owned subsidiary. The term "majority-owned subsidiary" means a subsidiary of which securities representing in the aggregate more than fifty percent of the voting power are owned directly by its parent and/or one or more of the parent's other majority-owned subsidiaries.

Material. The term "material" when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing the security registered.

Parent. A "parent" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

Predecessor. The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession, or in a series of successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

Principal underwriter. The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter, the term "issuer" having the meaning given in sections 2 (4) and 2 (11) of the act.

Promoter. The term "promoter" includes:

(a) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer;

(b) Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issuer or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

Registrant. The term "registrant" means the issuer of the securities for which the registration statement is filed.

Share. The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

Significant subsidiary. The term "significant subsidiary" means a subsidiary meeting any one of the following conditions:

(a) The investments in and advances to the subsidiary on the part of its parent and the parent's other subsidiaries exceed 5 percent of the assets of the parent as shown by its most recent individual balance sheet being filed.

(b) The assets of the subsidiary exceed 5 percent of (1) the assets of its parent and the parent's subsidiaries as shown by the most recent consolidated balance sheet being filed, or (2) if a consolidated balance sheet is not being filed, the assets of the parent as shown by its most recent balance sheet being filed.

(c) The sales and operating revenues of the subsidiary exceed 5 percent of (1) the sales and operating revenues of its parent and the parent's subsidiaries as shown by the consolidated profit and loss statement being filed for the most recent fiscal year, or (2) if a consolidated profit and loss statement is not being filed, the sales and operating revenues of the parent as shown by its profit and loss statement being filed for the most recent fiscal year.

(d) The subsidiary is the parent of one or more subsidiaries and together with such subsidiaries would, if considered in the aggregate, constitute a significant subsidiary.

Subsidiary. A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries. (See also "majority-owned subsidiary," "significant subsidiary," and "totally-held subsidiary.")

Succession. The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The terms does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

Totally-held subsidiary. The term "totally-held subsidiary" means a subsidiary (a) substantially all of the outstanding securities of which are owned by its parent and/or the parent's other totally-held subsidiaries, and (b) which does not owe to any person other than its parent and/or the parent's other totally-held subsidiaries any debt of an amount which is material in relation to the particular subsidiary. *Provided*, That the existence of any indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, shall not prevent a subsidiary from being deemed a totally-held subsidiary.

Voting power. The term "voting power" means the right, other than as

affected by events of default, to vote or, by virtue of beneficial ownership of securities or otherwise, to direct votes for the election of directors.

§ 230.406 Title of securities. Wherever the title of securities is required to be stated there shall be given such information as will indicate the type and general character of the securities, including the following:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or non-cumulative; the preference, if any; and if convertible, a statement to that effect.

(b) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1950 to 1960" if the payment of principal or interest is contingent, an appropriate indication of such contingency; the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of any other kind of security, appropriate information of comparable character.

§ 230.407 Interpretation of requirements. Unless the context clearly shows otherwise:

(a) The forms and instructions require information only as to the registrant.

(b) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing the registration statement, as determined by sections 6 (c) and 8 (a) of the act and the rules and regulations thereunder.

(c) Whenever words relate to the future, they have reference solely to present intention.

§ 230.408 Additional information. The information required by the rules and the appropriate form to be included in a registration statement shall be furnished as a minimum requirement to which there shall be added any further material information necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

§ 230.409 Information unknown or not reasonably available. Information required need be given only insofar as it is known or reasonably available to the registrant. If any required information is unknown and not reasonably available to the registrant, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the registrant, the information may be omitted, subject to the following conditions:

(a) The registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof, and may include a disclaimer of responsibility for the accuracy or completeness thereof.

(b) The registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose

knowledge the information rests and stating the result of a request made to such person for the information.

§ 230.410 Disclaimer of control. If the existence of control is open to reasonable doubt in any instance, the registrant may disclaim the existence of control and any admission thereof; in such case, however, the registrant shall state the material facts pertinent to the possible existence of control.

§ 230.411 Incorporation of financial statements by reference. Subject to § 230.448 any financial statement or part thereof previously or concurrently filed with any office of the Commission pursuant to any Act administered by the Commission may be incorporated by reference in any registration statement filed with any office of the Commission, if it substantially conforms to the requirements of the appropriate form and is not required to be included in the prospectus.

§ 230.412 Registration of additional securities. The registration of additional securities of the same class as other securities for which a registration statement is already in effect shall be effected through a separate registration statement relating to the additional securities.

FORM AND CONTENT OF PROSPECTUSES

§ 230.420 Legibility of prospectuses. The body of all printed prospectuses other than newspaper prospectuses shall be in type at least as legible as ten point leaded type.

§ 230.421 Presentation of information in prospectuses. (a) The information required in a prospectus need not follow the order of the items or other requirements in the form. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Where an item requires information to be given in a prospectus in tabular form it shall be given in substantially the tabular form specified in the item.

(b) All information contained in a prospectus shall be set forth under appropriate captions or headings reasonably indicative of the subject matter set forth thereunder. Except as to financial statements and other tabular data, all information set forth in a prospectus shall be divided into reasonably short paragraphs or sections.

(c) Every prospectus shall include in the forepart thereof a reasonably detailed table of contents showing the subject matter of the various sections or subdivisions of the prospectus and the page number on which each such section or subdivision begins.

(d) All information required to be included in a prospectus shall be clearly understandable without the necessity of referring to the particular form or to the general rules and regulations. Except as to financial statements and information required in tabular form, the information set forth in a prospectus may be expressed in condensed or summarized form. Financial statements included in

a prospectus are to be set forth in comparative form if practicable, and shall include the notes thereto and the accountants' certificate.

§ 230.422 *Summaries or outlines of documents.* Where a summary or outline of the provisions of any document is required, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may, subject to § 230.448, incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in a prospectus only to the extent permitted by this section.

§ 230.423 *Date of prospectuses.* Each prospectus used upon the commencement of the public offering of registered securities shall be dated as of the effective date of the registration statement. Each revised, amended or supplemented prospectus used thereafter shall bear the approximate date of its issuance, in addition to the date required by the preceding sentence.

§ 230.424 *Filing of prospectuses; number of copies.* (a) In addition to the three copies of the prospectus included in the body of the registration statement proper, five copies of the prospectus proposed to be used upon the commencement of the public offering of a security shall be filed with the registration statement at the time the statement is filed. A copy of the cross reference sheet required by § 230.404 (c) shall be bound with or attached to each copy of the prospectus so filed.

(b) Within five days after the commencement of the public offering, twenty copies of each form of prospectus used in connection with such offering shall be filed, in the exact form used, with the office of the Commission with which the registration statement was filed.

(c) No prospectus which purports to comply with section 10 of the act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until twenty copies thereof shall have been filed with the office of the Commission with which the registration statement was filed.

(d) Every prospectus consisting of a radio broadcast shall be reduced to writing. At least five days before the prospectus is broadcast or otherwise issued to the public, five copies thereof shall be filed with the office of the Commission with which the registration statement was filed.

§ 230.425 *Statement required in all prospectuses.* There shall be placed on the front page of every prospectus, in conspicuous print, the following three paragraphs, with the first and third paragraphs in capital letters:

These securities have not been approved or disapproved by the Securities and Exchange Commission.

----- (insert name of issuer) has registered the securities by filing certain information with the Commission. The Commission does not pass upon the merits of any securities registered with it.

It is a criminal offense to represent that the Commission has approved these securities or has made any findings that the statements in this prospectus or in the registration statement are correct.

§ 230.426 *Statement as to stabilizing.* In any case in which the registrant or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize the price of any security to facilitate the offering of the registered security, there shall be placed on the first or second page of every prospectus the following statement in capital letters:

To facilitate the offering, it is intended to stabilize the price(s) of -----
(Title of securities)

on -----
(Name each exchange. If none, omit this line.)

This statement is not an assurance that the price(s) of the above securities will be stabilized or that the stabilizing, if commenced, may not be discontinued at any time.

§ 230.427 *Contents of prospectuses used after thirteen months.* Information contained in a registration statement may be omitted from a prospectus used more than 13 months after the effective date of the registration statement insofar as information on the same subjects but as of a date not more than 12 months prior to the use of the prospectus is contained therein. No amendment of the registration statement need be made in connection with the substitution of information pursuant to this section, but 20 copies of the prospectus proposed to be used shall be filed with the Commission pursuant to § 230.424 (c).

§ 230.428 *Invitations for competitive bids.* Any information or documents contained in a registration statement may be omitted from any newspaper advertisement which is only an invitation for competitive bids for the registered securities: *Provided*, (a) The terms of the bidding require that each bid shall be a firm bid for the purchase of the entire amount of such securities; and (b) the advertisement states that prior to the acceptance of any bid, the bidder will be furnished a copy of the official prospectus. In such case, no other requirements of the Commission with respect to newspaper prospectuses need be complied with. Such advertisement shall not be deemed a prospectus meeting the requirements of section 10 for the purpose of section 2 (10) (a) or 5 (b) (2) of the act.

§ 230.429 *Prospectus for employees' savings, profit sharing or pension plans.*

(a) Any prospectus for shares of stock of an issuer in which funds of a savings, profit sharing or pension plan for employees of the issuer are to be invested need contain only the information specified below if the prospectus is sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer and who have become members of the plan prior to receipt of the prospectus prepared in accordance with this section:

(1) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(2) Financial statements of the plan corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(3) Financial statements of the issuer of the underlying stock and its subsidiaries corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

(b) The financial statements specified in paragraph (a) of this section may be omitted from any prospectus used in the manner specified in that paragraph if:

(1) The fiscal year of the issuer of the underlying stock has ended within ninety days prior to the date when it is desired to distribute the prospectus to members of the plan.

(2) The prospectus contains, or is accompanied by, financial statements (which need not be certified) substantially meeting the requirements of paragraph (a) of this section.

(3) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this paragraph are made conveniently available to all members of the plan at their respective places of employment.

(4) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which and the approximate date on which the financial statements will be made available to members of the plan pursuant to subparagraph (3) of this paragraph.

WRITTEN CONSENTS

§ 230.435 *Consents of experts.* (a) All consents of experts filed with the registration statement pursuant to section 7 of the act shall be dated and shall be signed manually. All such consents, except those contained in the reports of experts, shall be attached after the signature page of the registration statement. Following the consents so attached, there shall be listed the names of all experts whose consents are contained in their reports and not attached after the signature page. After each name so listed a reference shall be made to the report containing the expert's consent.

(b) If any portion of the report of an expert is quoted or summarized in the registration statement or in a prospectus the written consent of the expert shall clearly identify the portion or portions of the report so quoted or summarized and shall expressly state that the expert consents to such quotation or summarization.

(c) If it is stated that any information contained in the registration statement has been reviewed or passed upon by any persons and that such information is set

forth in the registration statement upon the authority of or in reliance upon such persons as experts, the written consents of such persons shall be filed with the registration statement.

§ 230.436 *Application to dispense with consent.* An application to the Commission to dispense with any written consent of an expert pursuant to section 7 of the act shall be made by the registrant and shall be supported by an affidavit or affidavits establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. Such application shall be filed and consent of the Commission shall be obtained prior to the effective date of the registration statement.

§ 230.437 *Consents of persons about to become directors.* If any person who has not signed the registration statement is named therein as about to become a director, the written consent of such person shall be filed with the registration statement. Any such consent, however, may be omitted if there is filed with the registration statement a statement by the registrant, supported by an affidavit or affidavits, setting forth the reasons for such omission and establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. All consents filed pursuant to this section shall be dated, shall be signed manually, and shall be attached after the signature page of the registration statement and immediately following consents of experts and lists of consents, if any, filed pursuant to § 230.435.

§ 230.438 *Consent to use of material incorporated by reference.* If the act or the rules and regulations of the Commission require the filing of written consent to the use of any material in connection with the registration statement, such consent shall be filed with the registration statement even though the material is incorporated therein by reference.

EXHIBITS

§ 230.445 *Additional exhibits.* The registrant may file such exhibits as it may desire, in addition to those required by the appropriate form. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

§ 230.446 *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, patents, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the registrant need file a copy of only one of such documents, with a schedule identifying the other documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed: *Provided, however* That the Commission may at any time in its discretion require the filing of copies of any documents so omitted.

§ 230.447 *Incorporation of exhibits by reference.* (a) Any document or part thereof previously or concurrently filed

with any office of the Commission pursuant to any act administered by the Commission may be incorporated by reference as an exhibit to any registration statement filed with any office of the Commission.

(b) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the registrant shall file with the reference a statement containing the text of any such modification and the date thereof.

(c) If the number of copies of any document previously or concurrently filed is less than the number required to be filed with the registration statement which incorporates such document as an exhibit, the registrant shall file with the registration statement as many additional copies of the document as may be necessary to meet the requirements of such statement.

§ 230.448 *Form of, and limitation upon, incorporation by reference.* (a) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required.

(b) Notwithstanding any particular provisions permitting incorporation by reference, the Commission may refuse to permit such incorporation in any case in which in its judgment such incorporation would render the statement incomplete, unclear or confusing.

FILING, FEES, EFFECTIVE DATE

§ 230.455 *Place of filing.* (a) Except as provided in paragraph (b) of this section, all registration statements shall be filed with the Commission at its principal office.

(b) If the principal executive offices of the registrant, or of a principal underwriter of the securities being registered, are located in the State of California, Nevada, Arizona, Oregon, Washington, Idaho, or Montana, or in the Territory of Hawaii, the registration statement may be filed with the regional office of the Commission in the Bank of America Building, 625 Market Street, San Francisco, Calif. However, the provisions of this paragraph shall not apply to registrants which are subject to the provisions of the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940.

§ 230.456 *Date of filing.* The date on which any papers are actually received in the proper office of the Commission pursuant to § 230.455 shall be the date of filing thereof, if all the requirements of the act and the rules with respect to such filing have been complied with and the required fee paid. The failure to pay an insignificant amount of the required fee at the time of filing, as the result of a bona fide error, shall not be deemed to affect the date of filing.

§ 230.457 *Computation of fee.* (a) At the time of filing a registration statement, the registrant shall pay to the Commission a fee of one one-hundredth of 1 percent of the maximum aggregate price at which the securities are pro-

posed to be offered, but in no case shall such fee be less than \$25.

(b) Where securities are to be offered at prices computed upon the basis of fluctuating market prices, the registration fee is to be calculated upon the basis of the price at which units of securities of the same class were or would have been sold on a specified date within fifteen days prior to the filing of the registration statement.

(c) Where securities are to be offered at varying prices based upon fluctuating values of underlying assets, the registration fee is to be calculated upon the basis of the market value of such assets as of a date within fifteen days prior to the date of filing, in accordance with the method to be used in calculating the daily offering price.

(d) Where securities are to be offered to existing security holders and the portion, if any, not taken by such security holders is to be reoffered to the general public, the registration fee is to be calculated upon the basis of the offering price to such security holders or the reoffering price to the general public, whichever is higher.

(e) Where securities are to be offered in exchange for other securities the registration fee is to be calculated upon whichever one of the following basis is applicable:

(1) The market value of the securities to be received by the registrant in exchange as established by bona fide transactions as of a date within fifteen days prior to the date of filing.

(2) If there be no market value thus established, the book value of the securities to be received by the registrant in exchange shall be used unless the issuer of the securities to be received in exchange is in bankruptcy or receivership, in which case one third of the principal amount, par value or stated value of the securities to be received in exchange shall be used.

However, where other securities of the same class as those to be offered in exchange are to be offered for cash, the maximum aggregate price shall be calculated upon the basis of the cash offering price or the basis specified above, whichever is higher. For the purposes of this paragraph, securities offered directly or indirectly in exchange for certificates of deposit shall be deemed to be offered in exchange for the securities represented by the certificates of deposit.

§ 230.458 *Payment of fee.* All payments of fees shall be made in cash, or by United States postal money order or certified check payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

§ 230.459 *Calculation of effective date.* The effective date of registration statements under section 8 (a) of the act shall be calculated as follows:

(a) Saturdays, Sundays and holidays shall be counted in computing the effective date.

(b) In the case of statements which become effective pursuant to section 8 (a) on the twentieth day after the filing thereof, the twentieth day shall be

deemed to begin at the expiration of nineteen periods, of twenty-four hours each, from 5:30 p. m. eastern time at the principal office on the date of filing.

§ 230.460 *Supplementary statement of actual offering price.* Within ten days after registered securities are initially offered to the public, the registrant shall file with the office of the Commission with which the registration statement was filed, a statement setting forth the actual price at which, and the date on which, the securities were so offered. If such price differs from the proposed price set forth in the registration statement, a brief explanation of such difference shall be made. Where the securities are to be offered first to existing security holders and then to the general public, a statement as required by this section shall be filed with respect to each of such offerings.

AMENDMENTS AND WITHDRAWALS

§ 230.470 *Formal requirements for amendments.* Amendments to the registration statement shall be filed under cover of the facing sheet of the appropriate form, and shall conform to all pertinent sections applicable to original registration statements. Amendments shall be numbered consecutively in the order in which filed with the Commission.

§ 230.471 *Signatures to amendments.* Except as provided in § 230.478, every amendment to a registration statement shall be signed by the persons specified in section 6 (a) of the act. At least the original of every amendment filed with the principal office of the Commission, and at least the original and one copy, of every amendment filed with a regional office, shall be signed.

§ 230.472 *Filing of amendments; number of copies.* Except as provided in § 230.473, three copies of every amendment to the registration statement shall be filed. Where the amendment relates to the prospectus there shall be filed, in addition, five copies of the amended prospectus and five copies of the amended cross reference sheet required by § 230.404 (c). Amendments shall be filed with the office of the Commission with which the registration statement was filed.

§ 230.473 *Telegraphic delaying amendments.* An amendment altering the proposed date of the public offering may be made by telegram. Each such telegraphic amendment shall be confirmed within a reasonable time by the filing of three copies, one of which shall be signed. Such confirmation shall not be deemed an amendment.

§ 230.474 *Date of filing of amendments.* The date on which amendments are actually received in the office of the Commission with which the registration statement was filed shall be the date of filing thereof, if all of the requirements of the act and the rules with respect to such filing have been complied with.

§ 230.475 *Amendment filed with consent of Commission.* A registrant desiring the Commission's consent to the filing of an amendment with the effect

provided in section 8 (a) of the act may apply for such consent at or before the time of filing the amendment. The application shall be signed and shall state fully the grounds upon which made. The Commission's consent shall be deemed to have been given and the amendment shall be treated as part of the registration statement upon the entry of an order to that effect.

§ 230.476 *Amendment filed pursuant to order of Commission.* An amendment made prior to the effective date of the registration statement shall be deemed to have been made pursuant to an order of the Commission within the meaning of section 8 (a) of the act so as to be treated as part of the registration statement only when the Commission shall after the filing of such amendment find that it has been filed pursuant to its order.

§ 230.477 *Withdrawal of registration statement or amendment.* Any registration statement or any amendment thereto may be withdrawn upon application if the Commission, finding such withdrawal consistent with the public interest and the protection of investors, consents thereto. The application for such consent shall be signed and shall state fully the grounds upon which made. The fee paid upon the filing of the registration statement will not be returned to the registrant. The papers comprising the registration statement or amendment thereto shall not be removed from the files of the Commission but shall be plainly marked with the date of the giving of such consent, and in the following manner: "Withdrawn upon the request of the registrant, the Commission consenting thereto."

§ 230.478 *Powers of agent for service to amend or withdraw registration statement.* Every registrant and all persons signing the registration statement, by naming an agent for service in the registration statement, shall be deemed, in the absence of a statement to the contrary, to confer upon such agent the following powers:

(a) A power to amend the registration statement by altering the date of the proposed offering of the securities for which the registration statement is filed.

(b) A power to amend the registration statement by filing any written consent of an expert required by section 7 of the act to be filed with the registration statement.

(c) A power to make application pursuant to § 230.475 for the Commission's consent to the filing of an amendment.

(d) A power to withdraw the registration statement or any amendment thereto.

(e) A power to consent to the entry of an order under section 8 (b) of the act, waiving notice and hearing, such order being entered without prejudice to the right of the registrant thereafter to have the order vacated upon a showing to the Commission that the registration statement as amended is no longer incomplete or inaccurate on its face in any material respect.

NONDISCLOSURE OF CONTRACT PROVISIONS

§ 230.485 *Contracts in general.* Public disclosure will not be made of the provisions of any material contract or portion thereof if the Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. In any case where the registrant desires the Commission to make such a determination, the procedure set forth below shall be followed:

(a) The registrant shall omit from the registration statement as originally filed the portion of the contract which it desires to keep undisclosed, or, if the registrant desires to keep the entire contract undisclosed, any copy of the contract.

(b) The registrant shall file with the registration statement, but not bound as part thereof, (1) three copies of the contract or portion thereof which it desires to keep undisclosed, clearly marked "Confidential", and (2) an application for an order making the above described determination. Such application shall set forth the considerations relied upon for obtaining such order. Pending the granting or denial by the Commission of the application, the terms and existence of the contract or portion thereof will be kept undisclosed.

(c) If the Commission determines that the application shall be granted, an order to that effect will be entered. Prior to any determination denying the application, confirmed telegraphic notice of an opportunity for hearing, at a specified time within 10 days after the dispatch of such notice, will be sent to the agent for service. After such hearing, an order granting or denying the application will be entered.

(d) If the Commission denies the application, confirmed telegraphic notice of the order of denial will be sent to the agent for service. In such case, within 10 days after the dispatch of such notice, the registrant shall have the right to withdraw the registration statement in accordance with the terms of § 230.477, but without the necessity of stating any grounds for the withdrawal or of obtaining the further assent of the Commission. In the event of such withdrawal, the contract or portion thereof filed confidentially will be returned to the registrant.

(e) If the registration statement is not withdrawn pursuant to paragraph (d) of this section, the contract or portion thereof filed confidentially will be made available for public inspection as part of the registration statement, and the registrant shall amend the registration statement to include all information required to be set forth in regard to such contract or portion thereof.

§ 230.486 *Contracts affecting the national defense.* (a) Notwithstanding any requirement of the form used for registration, the registrant need not file as an exhibit to the registration statement a copy of any contract as to which all the following conditions are satisfied:

(1) A copy of the contract is on file with an executive department of the United States or with the United States Maritime Commission.

(2) The registrant has been notified in writing that the executive department or the United States Maritime Commission, as the case may be, has administratively determined that the subject of such contract relates to and affects the national defense and that disclosure thereof would be contrary to the public interest.

(b) The registrant shall file as an exhibit to the registration statement, in lieu of the copy of the contract omitted pursuant to paragraph (a) of this section, a copy of each notification received from the executive department or the United States Maritime Commission with respect to the filing of copies of the contract or of information as to its terms.

(c) Notwithstanding any requirement of the form used for registration, the registrant need not furnish any information as to any terms of the contract relating directly or indirectly to any of the following subjects as to which the registrant has been notified in writing that the executive department or the United States Maritime Commission with which a copy of the contract is on file has administratively determined that such subjects relate to and affect the national defense and that disclosure thereof would be contrary to the public interest:

(1) Quantity of equipment or materials to be constructed or supplied.

(2) Designations of type, descriptions, specifications, deliveries, test, or guarantees of performance with respect to such equipment or materials.

(3) Nature and extent of experimental facilities, services, or information to be furnished.

(d) Public disclosure will not be made of the contents of any notification filed pursuant to paragraph (b) of this section, or of any portion of the information as to the terms of the contract required to be furnished notwithstanding the provisions of paragraph (c) of this section, if the Securities and Exchange Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. In any case where the registrant desires the Commission to make such a determination, the procedure set forth in § 230.485 shall be followed, except that there shall be filed in lieu of the three copies of the contract or portion thereof required by paragraph (b) (1) of § 230.485, three copies of the notification and three copies of the information as to the terms

of the contract which the registrant desires to keep undisclosed, all clearly marked "Confidential"

REGISTRATION BY FOREIGN GOVERNMENTS OR POLITICAL SUBDIVISIONS THEREOF

§ 230.490 *Information to be furnished under paragraph (3) of Schedule B.* Any issuer filing a registration statement pursuant to Schedule B of the act need not furnish the detailed information specified in paragraph (3) as to issues of outstanding funded debt the aggregate amount of which outstanding is less than 5 percent of the total funded debt outstanding and to be created by the security to be offered: *Provided*, That the amount thereof is included in the statement of the total amount of funded debt outstanding: *And provided further* That a statement is made as to the title, amount outstanding, rate of interest, and date of maturity of each such issue.

§ 230.491 *Information to be furnished under paragraph (6) of Schedule B.* Any foreign government filing a registration statement pursuant to Schedule B of the act need state, in furnishing the information required by paragraph (6) the names and addresses only of principal underwriters, namely, underwriters in privity of contract with the registrant: *Provided*, That they are designated as principal underwriters: *And provided further* That a brief statement is made as to the discounts and commissions to be received by subunderwriters or dealers.

§ 230.492 *Omissions from prospectuses.* In the case of a security for which a registration statement conforming to Schedule B is in effect, the following information, contained in the registration statement, may be omitted from any prospectus: Information in answer to paragraph (3) of the schedule with respect to the amortization and retirement provisions for debt not being registered, and with respect to the provisions for the substitution of security for such debt; information in answer to paragraph (11) the copy of any agreement or agreements required by paragraph (13) the agreement required by paragraph (14) all information, whether contained in the registration statement itself or in any exhibit thereto, not required by Schedule B.

PROPOSED AMENDMENTS TO FORMS

Certain rules which specify the items of information required to be included in

prospectuses are to be transferred from Regulation C to the respective forms to which they relate. The texts of the proposed amendments necessary to effect this transfer are as follows:

I. Form C-1 (see § 239.3, 11 F. R. 177A-731) is to be amended by inserting immediately after the "Rule as to the Use of Form C-1" the following:

Omissions from the Prospectus. The information required by the following items may be omitted from the prospectus: Items 4, 5, 7, 8, 9, 10, 18, 19, 33, 34, 37, 44, 45, 57, 58, 59, 61, 63, 70, 71 and 75.

The following exhibits may also be omitted from the prospectus: Exhibits A, B, C, E, F, G, H, I, J, K, L, M, N and R. Exhibit Q may be condensed.

II. Form D-1 (see § 239.6, 11 F. R. 177A-731) is to be amended by inserting immediately preceding "Part I" thereof the following:

Omissions from the Prospectus. The following information and documents may be omitted from the prospectus: In Part I, Items 4, 18, 39, and all exhibits except financial statements filed in compliance with Items 14 and 15; in Part II, Item 44 and all exhibits.

III. Form D-1A (see § 239.7, 11 F. R. 177A-732) is to be amended by inserting immediately after the General Instructions thereof the following:

Omissions from the Prospectus. The following information and documents may be omitted from the prospectus: All exhibits and all information contained in schedules, on condition that copies of each of the schedules attached to the registration statement are included.

IV. Form F-1 (see § 239.9, 11 F. R. 177A-732) is to be amended by adding at the end of the "Instructions as to preparing Form F-1" the following:

Omissions from the prospectus. The following information and documents may be omitted from the prospectus: Items 3, 26, 27 and all exhibits.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

MARCH 27, 1947.

[F. R. Doc. 47-3219; Filed, Apr. 3, 1947; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8488]

EISUKE ONO

In re: Bank account owned by and debt owing to Eisuke Ono, also known as E. Ono. F-39-331-A-1, F-39-331-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eisuke Ono, also known as E. Ono, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. That certain debt or other obligation owing to Eisuke Ono, also known as E. Ono, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Compound Interest Account, Account Number AN-13128, entitled E. Ono, maintained at the branch office of the aforesaid bank located at 257 Broadway, New York 7, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Eisuke Ono, also known as E. Ono, by Hunt, Hill & Betts, 120 Broadway, New York 5, N. Y., in the amount of \$288.65, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3204; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8489]

R. SASAKI

In re: Bank account owned by R. Sasaki also known as Ryoso Sasaki. F-39-2559-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Sasaki also known as Ryoso Sasaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

No. 67—8

2. That the property described as follows: That certain debt or other obligation owing to R. Sasaki also known as Ryoso Sasaki, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account, entitled R. Sasaki, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3205; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8490]

SANKO & Co.

In re: Debt owing to Sanko & Co. F-39-825-C-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sanko & Co., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obligation owing to Sanko & Co., by Dodge & Seymour, Ltd., 53 Park Place, New York 7, New York, in the amount of \$393.19, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3206; Filed, Apr. 2, 1947; 8:46 a. m.]

[Vesting Order 8491]

HEDWICH SCHURMANN

In re: Bank account owned by Hedwisch Schurmann also known as Hedwig Schurmann and Hedwig Schuermann. F-28-12197-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwisch Schurmann, also known as Hedwig Schurmann and Hedwig Schuermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Northern Trust Company, 50 South LaSalle Street, Chicago, Illinois, arising out of a checking account, entitled Cloldt, George W., Trustee Under Trust Agreement Dated Oct. 3, 1935, Known as Wachsman, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwisch Schurmann, also known as Hedwig Schurmann and Hedwig Schuermann, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3207; Filed, Apr. 2, 1947;
8:46 a. m.]

[Vesting Order 8497]

KOSAKU WATANABE

In re: Bank account owned by Kosaku Watanabe.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosaku Watanabe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Kosaku Watanabe, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an inactive dollar checking account, entitled K. (Kosaku) Watanabe, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3208; Filed, Apr. 2, 1947;
8:46 a. m.]

[Vesting Order 7445, Amdt.]

DR. RICHARD NUNNINGHOFF

In re: Debt owing to and stocks and bonds owned by Dr. Richard Nunninghoff.

Vesting Order 7445, dated August 15, 1946, is hereby amended as follows and not otherwise:

By deleting clause (c) from subparagraph 2 of said Vesting Order 7445 and substituting therefor the following:

c. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto,

All other provisions of said Vesting Order 7445 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3209; Filed, Apr. 2, 1947;
8:46 a. m.]

[Vesting Order 8402]

KEI YASUHARA AND JAMES KUROMI

In re: Debts owing to Kei Yasuhara, also known as K. Yasuhara, and James Kuromi, also known as James Isao Kuromi. D-39-664-E-1, F-39-5557-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kei Yasuhara, also known as K. Yasuhara, and James Kuromi, also known as James Isao Kuromi, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to Kei Yasuhara, also known as K. Yasuhara, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of \$1,387.19, as of December 31, 1945, arising out of a commercial checking account entitled K. Yasuhara (Kei Yasuhara), together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to James Kuromi, also known as James Isao Kuromi, by the Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, in the amount of \$1,011.28, as of December 31, 1945, arising out of Fixed Deposit Certificate Number 69509, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3243; Filed, Apr. 3, 1947;
8:46 a. m.]

[Vesting Order CE 374]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A,

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal

to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 593.6)

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Sarah Oliverio.....	Italy.....	<i>Item 1</i> Estate of Paul Oliverio, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 225591.	\$11.00
Asunta Oliverio.....	do.....	<i>Item 2</i> Same.....	11.00
Maria Rosa Oliverio.....	do.....	<i>Item 3</i> Same.....	11.00
Maria Oliverio.....	do.....	<i>Item 4</i> Same.....	11.00
Agostino Vallarino.....	do.....	<i>Item 5</i> Estate of Amintore Vallarino, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 60413.	13.00
Giovanni Vallarino.....	do.....	<i>Item 6</i> Same.....	13.00
Gerolamo Vallarino.....	do.....	<i>Item 7</i> Same.....	13.00
Giuseppina Vallarino.....	do.....	<i>Item 8</i> Same.....	13.00
Mariam Pellegri-nelli.....	do.....	<i>Item 9</i> Estate of Chris Pellegri-nelli, deceased, in the Superior Court of the State of California, in and for the county of Siskiyou; No. 4227.	13.00
Luigi Pellegri-nelli.....	do.....	<i>Item 10</i> Same.....	13.00
Giuseppe Pellegri-nelli.....	do.....	<i>Item 11</i> Same.....	13.00
Brother, name unknown, of Carlo Paganucci, deceased.....	do.....	<i>Item 12</i> Estate of Carlo Paganucci, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 89794.	29.00
Alberto Veglio.....	do.....	<i>Item 13</i> Estate of Cesar Veglio, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 63311.	15.00
Ernesta Veglio.....	do.....	<i>Item 14</i> Same.....	15.00
Emma Veglio.....	do.....	<i>Item 15</i> Same.....	15.00
Louis Tognonalli.....	do.....	<i>Item 16</i> Estate of Peter Togninalli, also known as Pietro Togninalli, also known as Pete Togninalli, also known as Pietro Togninalli, also known as Pietro Francesco Togninalli, also known as P. Togninalli, also known as Pietro Tognonalli, deceased, in the Superior Court of the State of California, in and for the county of San Mateo; No. 10033.	13.00
Maria Tognonalli.....	do.....	<i>Item 17</i> Same.....	13.00
Assunta Rosai or her issue.....	do.....	<i>Item 18</i> Estate of Ermenebile Macca, deceased, in the Superior Court of the State of California, in and for the county of Sonoma; No. 11949.	15.00
Ottavia Martini or her issue.....	do.....	<i>Item 19</i> Same.....	15.00
Joseph Abate.....	do.....	<i>Item 20</i> Estate of Vincent Abate, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 63103.	34.00
Frederick Abate.....	do.....	<i>Item 21</i> Same.....	24.00

NOTICES

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Maria Basile.....	Italy.....	<i>Item 22</i> Estate of Giuseppe Filippelli, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 225710.	\$23.00
Nicola Filippelli.....	do.....	<i>Item 23</i> Same.....	23.00
Children, names unknown, of Caterina Angelosanti.....	do.....	<i>Item 24</i> Estate of Biagio Angelosanti, also known as B. Angelo, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 234737.	80.00
Children, names unknown, of Natalina Angelosanti.....	do.....	<i>Item 25</i> Same.....	80.00
Amalio Paone.....	do.....	<i>Item 26</i> Estate of Pietro Paone, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 100785.	68.00
Gioietta Gestra Matteri.....	do.....	<i>Item 27</i> Estate of Luigi Gestra, also known as Louy Gestra, also known as Louey Gestra, also known as Louie Gestra, also known as Louis Gestra, also known as Louca Gestra, deceased, in the Superior Court of the State of California, in and for the county of Sonoma; No. 15597.	50.00
Joseph Bellino.....	do.....	<i>Item 28</i> Estate of Donato Bellino, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 93500.	31.00
Heirs, next of kin and legatees of Filomena Guasti Grossetti.....	do.....	<i>Item 29</i> Estate of Louisa Guasti, also known as Louisa A. Guasti, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 167982.	67.00

[F. R. Doc. 47-3250; Filed, Apr. 3, 1947; 8:47 a. m.]

[Vesting Order 8538]

FUSAJIRO ISHII

In re: Stock owned by Fusajiro Ishii, F-39-5699-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fusajiro Ishii, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the property described as follows: Thirty (30) shares of \$20.00 par value capital stock of The S. S. White Dental Manufacturing Co., a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered 1463 for twenty-five (25) shares and 1804 for five (5) shares registered in the name of Fusajiro Ishii, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-3245; Filed, Apr. 4, 1947; 8:46 a. m.]

[Vesting Order CE 373]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated

enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action of proceeding identified in Column 3 of said Exhibit A.

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		<i>Item 1</i>	
Caterina Capurro.....	Italy.....	Estate of Giuseppe Capurro, deceased, in the Superior Court of the State of California, in and for the county of San Joaquin; No. 16273.	\$2.00
Giobata Capurro.....	do.....	<i>Item 2</i> Same.....	0.00
Angelo Capurro.....	do.....	<i>Item 3</i> Same.....	0.00
Antonio Capurro.....	do.....	<i>Item 4</i> Same.....	0.00
Louisa Capurro.....	do.....	<i>Item 5</i> Same.....	0.00
Surviving issue, names unknown, of Julia Pissoffi.....	do.....	<i>Item 6</i> Same.....	0.00
		<i>Item 7</i>	
Giovanni Accinelli.....	do.....	Estate of Gino Accinelli, also known as Gerolamo Accinelli, deceased, in the Superior Court of the State of California, in and for the county of Alameda; No. 66173.	14.00
Giuseppe Accinelli.....	do.....	<i>Item 8</i> Same.....	14.00
Paolo Accinelli.....	do.....	<i>Item 9</i> Same.....	14.00
Angela Accinelli.....	do.....	<i>Item 10</i> Same.....	14.00
Catterina Accinelli.....	do.....	<i>Item 11</i> Same.....	14.00
Benedetta C. Ruggieri.....	do.....	<i>Item 12</i> Estate of Michele Colacurcio, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 263672.	13.00
Maria C. Cauzzilli.....	do.....	<i>Item 13</i> Same.....	13.00
		<i>Item 14</i>	
Maria Luigi Tedesco.....	do.....	Estate of Giovanni Tedesco, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 192650.	10.00
Maria Arcangela Tedesco.....	do.....	<i>Item 15</i> Same.....	10.00
Angela Tedesco.....	do.....	<i>Item 16</i> Same.....	10.00
Rosaria Dimitri.....	do.....	<i>Item 17</i> Same.....	10.00
Children of deceased sister, Immacolata Tedesco.....	do.....	<i>Item 18</i> Same.....	10.00
		<i>Item 19</i>	
Vittorio Porliod.....	do.....	Estate of Alex Porliod, also known as Alexis Porliod, also known as A. Porliod, deceased, in the Superior Court of the State of California; in and for the county of Fresno; No. 17002.	13.00
Augusto Porliod.....	do.....	<i>Item 20</i> Same.....	13.00
Emanuele Porliod.....	do.....	<i>Item 21</i> Same.....	13.00
Rosalia Champienz and her children, names unknown.....	do.....	<i>Item 22</i> Same.....	20.00
		<i>Item 23</i>	
Rosetta Pedretti.....	do.....	Estate of Ferruccio Pedretti, deceased, in the Superior Court of the State of California, in and for the county of Alameda; No. 83182.	15.00
Gina Martinucci.....	do.....	<i>Item 24</i> Same.....	8.00
Aldo Martinucci.....	do.....	<i>Item 25</i> Same.....	5.00
Silvio Martinucci.....	do.....	<i>Item 26</i> Same.....	5.00
		<i>Item 27</i>	
Giovanni Valenzano.....	do.....	Estate of Secondo Valenzano, deceased, in the Superior Court of the State of California, in and for the county of San Mateo; No. 12752.	39.00
Francisco Valenzano.....	do.....	<i>Item 28</i> Same.....	39.00
Maria Valenzano.....	do.....	<i>Item 29</i> Same.....	39.00
Antonio Valenzano.....	do.....	<i>Item 30</i> Same.....	39.00

NOTICES

EXHIBIT A—Continued

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Giuseppe Bonelli.....	Italy.....	<i>Item 31</i> Estate of Pietro Bonelli, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 98693.	\$8.00
Giovanni Bonelli.....	do.....	<i>Item 33</i> Same.....	8.00
Luigi Bonelli.....	do.....	<i>Item 33</i> Same.....	8.00
Amalia Farotto.....	do.....	<i>Item 34</i> Same.....	8.00
Francesco Torre.....	do.....	<i>Item 35</i> Estate of John Torre, deceased, in the Superior Court of the State of California, in and for the county of Alameda; No. 67945.	12.00
Pietro Torre.....	do.....	<i>Item 35</i> Same.....	12.00
Madelena Torre.....	do.....	<i>Item 37</i> Same.....	12.00
Fernanda Ricci.....	do.....	<i>Item 38</i> Estate of Luigi Ricci, also known as Louis Ricci, deceased, in the Superior Court of the State of California, in and for the county of Sonoma; No. 17093.	20.00
Fernando Ricci.....	do.....	<i>Item 39</i> Same.....	10.00
Francisco Ricci.....	do.....	<i>Item 40</i> Same.....	10.00
Mrs. Margherita Agnolosi.....	do.....	<i>Item 41</i> Estate of Henry L. Choistry, deceased, in the Superior Court of the State of California, in and for the county of Los Angeles; No. 227,377.	78.00
Maria F. L. Raffeto.....	do.....	<i>Item 42</i> Estate of Carlo Emanuele Raffetto, also known as Carlo Raffetto, also known as C. Raffetto, also known as Charles Raffetto, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 76869.	153.00
Rosa Carbone also known as Zita Carbone or Issuo of Rosa Carbone, also known as Zita Carbone or Oreste Carbone and Angelo Carbone.	do.....	<i>Item 43</i> Estate of Emanuele F. Simonini, deceased, in the Superior Court of the State of California, in and for the county of Solano; No. 8266.	53.00
Argentina Innocenti.....	do.....	<i>Item 44</i> Estate of Quintilio Innocenti, deceased, in the Superior Court of the State of California, in and for the city and county of San Francisco; No. 98161.	84.00

[F. R. Doc. 47-3249; Filed, Apr. 3, 1947; 8:47 a. m.]

[Vesting Order 8543]

FREDERICH WILHELM RILL

In re: Stock owned by Frederick Wilhelm Rill. F-28-5851-D-1/2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Wilhelm Rill, whose last known address is Schneebergstrasse 1, Lindau, Bodensee, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Fifty (50) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number NYD-516514, registered in the name of Frederick Wilhelm Rill, together with all declared and unpaid dividends thereon, and

b. Eight (8) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza,

New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FWO2411, registered in the name of Frederick Wilhelm Rill, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, admin-

istered, liquidated, sold or otherwise dealt within the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 25, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-3246; Filed, Apr. 3, 1947; 8:46 a. m.]

[Vesting Order CE 375]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN CALIFORNIA COURTS

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto

and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs

and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A,

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

Executed at Washington, D. C., on March 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
Maria Robustellini.....	Italy.....	<i>Item 1</i> Estate of Antonio Louis Robustellini, also known as Antonio Luigi Robustellini, also known as Luigi Robustellini, also known as Louis Robustellini, also known as Louis A. Robustellini, also known as Louis Antonio Robustellini, also known as Louis Robustelli, also known as Luigi Robustelli, deceased, Superior Court, Nevada County, Calif.; No. 4358.	\$35.00
Domenica Robustellini.....	do.....	<i>Item 2</i> Same.....	35.00
Cesarina Melchiori.....	do.....	<i>Item 3</i> Estate of Adriano Melchiori, also known as A. Melchiori, also known as Adrian Melchiori, also known as Adrian Melchior, deceased, Superior Court, Nevada County, Calif.; No. 4419.	25.00
Silvia Melchiori.....	do.....	<i>Item 4</i> Same.....	25.00
Antonina Gioia.....	do.....	<i>Item 5</i> Estate of Pietro Gioia, deceased, Superior Court, Los Angeles County, Calif.; No. 259729.	64.00
Renzo Bonini.....	do.....	<i>Item 6</i> Estate of Ollato Bonini, deceased, Superior Court, city and county of San Francisco, Calif.; No. 97038.	25.00
Renzo Bonini.....	do.....	<i>Item 7</i> Estate of Albert Bonini, deceased, Superior Court, city and county of San Francisco, Calif.; No. 13444.	25.00

[F. R. Doc. 47-3252; Filed, Apr. 3, 1947; 8:47 a. m.]

[Vesting Order 8546]

FRIDA NAKASA ET AL.

In re: Watch owned by Frieda Nakasa, also known as Frida Lucie Nakasa, and the personal representatives, heirs, next of kin, legatees and distributees of Miyanosuka Nakasa, also known as M. Nakasa, deceased.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Nakasa, also known as Frida Lucie Nakasa, whose last known address is 25 Alter Steinweg, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees of Miyanosuke Nakasa, also known as M. Nakasa, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the property described as follows: One yellow metal "Lanco" man's watch, whose case bears the number

18245, presently in the possession of the Attorney General of the United States, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that Frieda Nakasa, also known as Frida Lucie Nakasa, and the personal representatives, heirs, next of kin, legatees and distributees of Miyanosuke Nakasa, also known as M. Nakasa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 27, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-3248; Filed, Apr. 3, 1947; 8:46 a. m.]

[Vesting Order 8493]

JOHN WALCH

In re: Stock owned by John Walch. F-28-22287-D-1, F-28-22287-D-2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Walch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Five (5) shares of \$100.00 par value 6½% cumulative preferred capital stock of Empire Gas and Fuel Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 2920, and registered in the name of John Walch, together with all declared and unpaid dividends thereon, and all rights thereunder and thereto, including particularly the right of redemption,

b. Twenty-one (21) shares of \$10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 57906, and registered in the name of John Walch, together with all declared and unpaid dividends thereon,

c. Seven (7) shares of no par value \$6.00 cumulative preferred capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 85725, and registered in the name of John Walch, together with all declared and unpaid dividends thereon, and

d. Four (4) shares of no par value \$6.00 cumulative preference BB capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 795, and registered in the name of John Walch, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-3244; Filed, Apr. 3, 1947;
8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR-NAVIGATION SITE WITHDRAWAL NO. 139 REDUCED

The order of the Assistant Secretary of the Interior dated March 29, 1940, withdrawing certain tracts of public land in Alaska for the use of the Alaska Road Commission in the maintenance of air-navigation facilities, is hereby revoked so far as it affects the following lands described by metes and bounds:

Beginning at Corner No. 1, which is identical with Corner No. 4 of U. S. Survey No. 397 at Tanana, in approximate latitude 65° 10' N., longitude 152° 04' W., thence from said Corner No. 1, by metes and bounds, S. 39° 37' E. 1,300 feet to Corner No. 2; N. 82° 18' E. 4,491.6 feet to Corner No. 3; North 4,679 feet to Corner No. 4; West 5,280 feet to Corner No. 5 on line 4-5 of U. S. Survey No. 397; South 4,279.4 feet along line 4-5 of Survey No. 397 to Corner No. 1, the place of beginning.

The tract as described contains 599.8 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 23, 1947.

At that time the lands shall become subject to settlement and other forms of appropriation in accordance with the applicable public land laws and regulations.

This land lies adjacent to and north of the Yukon River at Tanana Village and is about four (4) miles to the west of the junction of the Yukon and Tanana Rivers. The land is in general level and supports only a sparse cover of vegetation.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

MARCH 21, 1947.

[F. R. Doc. 47-3214; Filed, Apr. 3, 1947;
8:46 a. m.]

OREGON

TIMBER PRESERVATION AREA ESTABLISHED

By virtue of the authority contained in the act of August 28, 1937, 50 Stat. 374, it is ordered as follows:

Subject to valid existing rights and existing withdrawals, the following-described revested Oregon and California Railroad grant lands are hereby classified as timber lands and reserved for administration by the Bureau of Land Management, as a timber preservation area, and for the protection of their recreational and scenic values:

WILLAMETTE MERIDIAN

T. 1 S., R. 5 E.,
Sec. 1, lots 3 and 4;
Sec. 3, lot 1.

The areas described aggregate 113.05 acres.

Trees may be cut only under the supervision of the Regional Administrator, Bureau of Land Management, as and when deemed necessary in order that the reserved area may be maintained properly.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

MARCH 18, 1947.

[F. R. Doc. 47-3215; Filed, Apr. 3, 1947;
8:46 a. m.]

OREGON

NOTICE FOR FILING OBJECTIONS TO THE ORDER ESTABLISHING A TIMBER PRESERVATION AREA

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the order of March 18, 1947, withdrawing lots 3 and 4, sec. 1, and lot 1, sec. 3, T. 1 S., R. 5 E., W. M., Oregon, which are revested Oregon and California Railroad grant lands, for administration by the Bureau of Land Management, as a timber preservation area, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

MARCH 18, 1947.

[F. R. Doc. 47-3216; Filed, Apr. 3, 1947;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1610]

ESSEX COUNTY COOP CO.

NOTICE OF PETITION FOR EXTENSION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on April 5, 1946, issued an order requiring the respondent to increase its rates for the rental of chicken coops from 48 cents to 68 cents and for turkey coops from 65 cents to 85 cents for a period of one year from the date of that order.

By petition filed on March 26, 1947, the respondent has requested that the

rates and charges provided for in said order of April 5, 1946, be extended for a further period of at least one year.

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for extension of temporary rates.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondent by registered mail or in person.

Done at Washington, D. C., this 31st day of March 1947.

[SEAL]

H. E. REED,
Director Livestock Branch.

[F. R. Doc. 47-3240; Filed, Apr. 3, 1947;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 8]

DESIGNATION OF MOTIONS COMMISSIONER FOR APRIL 1947

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of March 1947;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that E. K. Jett, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of April 1947.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3253; Filed, Apr. 3, 1947;
8:46 a. m.]

[Docket Nos. 8176, 8177, 8265]

TERRELL BROADCAST CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Terrell Broadcast Corporation, Terrell, Texas, Docket No. 8176, File No. BP-5778; Burton V. Hammond, Jr., Denison, Texas, Docket No. 8177, File No. BP-5786; Conn & Cope, d/b as Denison-Texoma Broadcasting Company, a partnership composed of Fred Conn and Millard Cope Denison, Texas, Docket No. 8265, File No. BP-5403; for construction permits.

At a session of the Federal Communications Commission, held at its offices

in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of Conn & Cope, doing business as Denison-Texoma Broadcasting Company, a partnership composed of Fred Conn and Millard Cope, requesting a permit to construct a new standard broadcast station to operate on 1250 kc, 1 kw power, daytime only at Denison, Texas; and also having under consideration a petition filed on March 14, 1947, by Burton V. Hammond, Jr., requesting that said application be designated for hearing in the consolidated proceeding involving the other two applications named above;

It appearing, that the Commission on March 6, 1947, designated for hearing in a consolidated proceeding the applications of Terrell Broadcast Corporation (File No. BP-5778; Docket No. 8176) requesting a construction permit for a new standard broadcast station to operate on 1220 kc, 250 w power, daytime only at Terrell, Texas, and Burton V. Hammond, Jr., (File No. BP-5786; Docket No. 8177) requesting a construction permit for a new standard broadcast station to operate on 1220 kc, 1 kw power, daytime only at Denison, Texas.

It is ordered, That the said petition of Burton V. Hammond, Jr., be, and it is hereby, granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Conn & Cope, d/b as Denison-Texoma Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KVSQ, Ardmore, Oklahoma, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Burton V. Hammond (File No. BP-5786; Docket No. 8177) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of

other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated March 6, 1947 designating the applications of Terrell Broadcast Corporation and Burton V. Hammond, Jr., for hearing in a consolidated proceeding, be, and it is hereby, amended to include the application of Conn & Cope, d/b as Denison-Texoma Broadcasting Company, and to change Issue No. 7 of said order to read as Issue No. 7 stated above;

It is further ordered, That John F. Easley, licensee of station KVSQ, Ardmore, Oklahoma, be, and he is hereby, made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3256; Filed, Apr. 3, 1947;
8:46 a. m.]

[Docket No. 8254]

MT. PLEASANT BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Winston O. Ward db/as Mt. Pleasant Broadcasting Company, Mt. Pleasant, Texas, docket No. 8254, File No. BP-5439; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of Winston O. Ward db/as Mt. Pleasant Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Mt. Pleasant, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Winston O. Ward db/as Mt. Pleasant Broadcasting Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the

requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations KAND, Corsicana, Texas, KRMD, Shreveport, Louisiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is hereby ordered that Alto, Inc., licensee of Station KAND, Corsicana, Texas, and T. B. Lanford, R. M. Dean, Mrs. T. B. Lanford, Sr., and Mrs. R. M. Dean, a partnership, d/b as Radio Station KRMD, licensee of Station KRMD, Shreveport, Louisiana, be, and they are hereby, made parties to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3255; Filed, Apr. 3, 1947;
8:46 a. m.]

[Docket No. 8266]

HEIGHTS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of The Heights Broadcasting Company, Cleveland, Ohio, Docket No. 8266, File No. BP-5412; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of The Heights Broadcasting Company for a construction permit for a new standard broadcast station to operate on the frequency 710 kc, with 250 w power, daytime only, at Cleveland, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WLW Cincinnati, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending application for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Crosley Broadcasting Corporation, licensee of station WLW Cincinnati, Ohio, be, and it is hereby, made a party to this proceeding.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3257; Filed, Apr. 3, 1947;
8:47 a. m.]

[Docket No. 8267]

CREST BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Crest Broadcasting Company, Incorporated, Pascagoula, Mississippi, Docket No. 8267, File No. BP-5422; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of March 1947;

The Commission having under consideration the above-entitled application of Crest Broadcasting Company, Incorporated, for a new standard broadcast station to operate on the frequency 800 kc, with 250 w power, daytime only, at Pascagoula, Mississippi;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Crest Broadcasting Company, Incorporated, be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would deliver more than 5 uv/m ground wave signal at the nearest point on the Mexican border in violation of the provisions of the North American Regional Broadcasting Agreement.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3254; Filed, Apr. 3, 1947;
8:46 a. m.]

FLORENCE BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL¹

The Commission hereby gives notice that, on March 19, 1947, there was filed with it an application (BTC-543) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Florence Broadcasting Company, licensee of WOLS, from M. F. Schnibben to Melvin H. Purvis. The proposal to transfer control arises out of contracts of July 15, 1941 and January 21, 1947, pursuant to which M. F. Schnibben agrees to sell to Melvin H. Purvis his 500 shares (50% interest) in the common voting \$100 par value stock of said Florence Broadcast-

¹ § 1.321, Part I, Rules of practice and procedure.

ing Company for a total consideration of \$40,000 payable in cash immediately after the approval of the transfer of said stock by the Federal Communications Commission. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (known as § 1.321 effective September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by letter on March 25, 1947, that starting on March 25, 1947, notice of the filing of the application would be inserted in the Florence, South Carolina, Morning News, a newspaper of general circulation at Florence, South Carolina, in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 25, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3258; Filed, Apr. 3, 1947;
8:27 a. m.]

STATION WIGM

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE¹

The Commission hereby gives notice that on February 13, 1947 there was filed with it an application (BAL-588) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of WIGM, Medford, Wisconsin from George F. Meyer to Dairyland's Broadcasting Service, Incorporated. The proposal to assign the license arises out of a contract of December 14, 1946 pursuant to which George F. Meyer agrees to sell to Dairyland's Broadcasting Service, Incorporated all the assets and station properties (technical and non-technical) of station WIGM for a total consideration of \$30,000 payment to be made upon delivery of the bill of sale and/or delivery of the warranty deed within 30 days following date of approval of the assignment by the Federal Communications Commission. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

On July 25, 1946 the Commission adopted § 1.388 (known as § 1.321 effective

September 11, 1946) which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application. Pursuant thereto the Commission was advised by letter on March 15, 1947 that starting on March 13, 1947 notice of the filing of the application would be inserted in the Marshfield News-Herald, a newspaper of general circulation at Medford, Wisconsin in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from March 13, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-3259; Filed, Apr. 3, 1947;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-500]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MARCH 31, 1947.

Notice is hereby given that on March 14, 1947, an application was filed with the Federal Power Commission by Northern Natural Gas Company (Applicant) a Delaware corporation, having its principal place of business in Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate 4,508 feet of 4½-inch O. D. branch pipe line extending from a point of connection with Applicant's 20-inch main pipe line to the Nebraska Ordnance Plant near Mead, Nebraska, and a measuring station at the end of such branch line, located in Sections 14 and 15, Township 14 North, Range 8 East, Saunders County, Nebraska, for the purpose of delivery and sale by Applicant of the entire gas requirements of the Nebraska Ordnance Plant.

A temporary certificate of public convenience and necessity authorizing the construction and operation by Applicant of the above described facilities was issued in the Commission's order of November 11, 1943, in Docket No. G-500 conditioned that, in the event Applicant desires to continue such facilities and operation beyond the period of the temporary certificate, Applicant shall then apply for a certificate of public convenience and necessity therefor in the manner prescribed by the Commission under the Natural Gas Act, as amended. The facilities above described have been in operation since the date of initial service, December 14, 1943, and are now in service.

Applicant estimates the natural gas requirements of the Nebraska Ordnance Plant for the years 1947, 1948, and 1949, will be 350 Mcf. on a maximum day and 37,000 Mcf. annually.

Applicant states that the total investment in the above described facilities as of December 31, 1946, is \$8,331.

Any interested State commission is requested to notify the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of the rules of practice and procedure (effective September 11, 1946) and shall set out clearly and concisely the facts from which the nature of the petitioner's or protestant's alleged right or interest can be determined. Petitions for intervention shall state fully and completely the grounds of the proposed intervention and the contentions of the petitioner in the proceeding, so as to advise the parties and the Commission as to the issues of fact or law to be raised or controverted, by admitting, denying, or explaining, specifically and in detail, each material allegation of fact or law asserted with respect to the application.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3217; Filed, Apr. 3, 1947;
8:45 a. m.]

[Project 1966]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF APPLICATION FOR LICENSE

APRIL 1, 1947.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) that Wisconsin Public Service Corporation, of Milwaukee, Wisconsin, has made application for license for constructed major Project No. 1966, known as the Grandfather Falls project, located on Wisconsin River in Lincoln County, Wisconsin, and consisting of a concrete and stone masonry dam; a reservoir; two powerhouses, the upper powerhouse built integral with the dam and having installed hydraulic capacity of 2,660 horsepower and the lower powerhouse located about one mile downstream having installed hydraulic capacity of 23,050 horsepower; a canal about 4,000 feet long; two penstocks about 1,315 feet long; two substations; and appurtenant works. Any protests

¹ § 1.321, Part I, Rules of practice and procedure.

against approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before April 30, 1947 to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-3224; Filed, Apr. 3, 1947;
8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1262]

MICHIGAN GAS AND ELECTRIC CO., THE
MIDDLE WEST CORP.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of March 1947.

The Commission, by order dated July 29, 1946, having granted and permitted to become effective an application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935 jointly by The Middle West Corporation, a registered holding company, and its subsidiary, Michigan Gas and Electric Company, and Halsey, Stuart & Co., Inc., an affiliate of Michigan Gas and Electric Company, which application-declaration proposed a recapitalization of Michigan Gas and Electric Company and related transactions; and

The Commission, upon request of the applicants-declarants, having, by orders dated October 21 and November 29, 1946, and February 3, 1947, extended to March 31, 1947 the time within which such transactions may be carried out as provided in Rule U-24; and

Applicants-declarants now having requested a further extension of time, for a period of approximately thirty days from March 31, 1947, within which such transactions may be carried out and having stated that Michigan Gas and Electric Company has now filed an amendment to its Registration Statement, heretofore filed under the Securities Act of 1933, and that such extension is necessary to permit consummation of the proposed transactions after such amended Registration Statement becomes effective; and

The Commission having considered such request and deeming it appropriate in the public interest and in the interest of investors and consumers that such request be granted:

It is ordered, That the time within which the transactions heretofore approved by order of July 29, 1946, may be carried out under Rule U-24 be, and hereby is, extended to and including April 30, 1947.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3218; Filed, Apr. 3, 1947;
8:45 a. m.]

[File No. 70-1459]

UNION ELECTRIC CO. OF MO.

NOTICE OF FILING OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of March 1947.

Notice is hereby given that Union Electric Company of Missouri (Missouri Union), a registered holding company and a subsidiary of The North American Company, has filed with the Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") Declarant designates section 12 (b) of the act and Rule U-45 promulgated under the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 7, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Missouri Union proposes to advance on open account, with interest at 2% per annum, up to the sum of \$250,000 to its indirect non-utility subsidiary Union Colliery Company (Colliery) for the purpose of enabling its subsidiary to meet payments due on equipment for operation of its new coal mine. Declarant states that the proposed transaction supplements the program of Colliery set forth in its amended declaration permitted to become effective by order of the Commission dated December 29, 1945 (Holding Company Act Release No. 6350) regarding the proposed issuance by Colliery of \$1,000,000 aggregate principal amount of Bank Loan Notes bearing interest at 2% per annum, maturing in installments from December 31, 1947, to December 31, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3221; Filed, Apr. 3, 1947;
8:45 a. m.]

[File No. 70-1496]

ELECTRIC POWER & LIGHT CORP. AND
MISSISSIPPI POWER & LIGHT CO.

NOTICE REGARDING FILING OF APPLICATION- DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of March A. D. 1947.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Mississippi Power & Light Company ("Mississippi"). Applicants-declarants have designated sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 7, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time, after April 7, 1947, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized below:

Electric is the owner of all of the outstanding common stock of Mississippi consisting of 700,000 shares without par value having a stated value of \$7,000,000. Mississippi proposes to issue and sell, and Electric proposes to acquire, an additional 250,000 shares of common stock of Mississippi for a cash consideration of \$2,500,000. The proceeds from the sale of the new common stock will be used by Mississippi for the construction of needed facilities. Electric proposes to use treasury funds in making the proposed purchase.

Applicants-declarants request that the Commission's order be issued as soon as possible and become effective upon the issuance thereof in order to permit consummation of the proposed transactions at the earliest possible opportunity.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-3220; Filed, Apr. 3, 1947;
8:45 a. m.]